

RECORD OF PROCEEDINGS
OF A
COURT OF INQUIRY
CONVENED AT THE NORFOLK NAVY YARD
BY ORDER OF
THE COMMANDANT, FIFTH NAVAL DISTRICT

25a To inquiry into all of the circumstances connected with a fire which occurred at or about 6:20 p.m. on 27 April 1944, on board the U.S.S. SATURN AK-49, while said vessel was undergoing repairs at the Norfolk Navy Yard, Portsmouth, Virginia.

28 April 1944

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The court then proceeded to the Myers Funeral Home, 720 Court Street, Portsmouth, Virginia, for the purpose of viewing two bodies. The court examined two bodies; aforesaid Welch identified one as Jeremiah Malone, Norfolk Navy Yard check number 61-3178; and aforesaid Welch and Calvin Harmon, Norfolk Navy Yard check number 61-664, identified the other as William H. Jones, Norfolk Navy Yard check number 61-659. The court noted that the body of Jones was unmarked and that the body of Malone was unmarked save for a small bruise over the left eye.

The court then proceeded to the Brennan Funeral Home, 711 Washington Street, Portsmouth, Virginia, for the purpose of viewing two bodies. The court examined two bodies; aforesaid Welch and aforesaid Harmon identified one as W. Irvin Sink, Norfolk Navy Yard check number 61-2083, and the other as Eugene T. Harper, Norfolk Navy Yard check number 61-926. The court noted that the bodies were unmarked.

The court then proceeded to the Reid Funeral Home, 801 South Street, Portsmouth, Virginia, for the purpose of viewing three bodies. The court examined two bodies; aforesaid McGehee identified one as Robert E. Lee (colored), Norfolk Navy Yard check number 26-5695; and aforesaid Welch identified the other as Chesman S. Wike (colored), Norfolk Navy Yard check number 61-2524. The court noted that the bodies were unmarked. Reid, undertaker, stated that the third body had been placed in transport to North Carolina, identified it as Willie Carr (colored), Norfolk Navy Yard check number 72-4327, and produced identification taken from the body for view by the court.

The court then proceeded to the Rodgers Funeral Home, 2513 South Street, Portsmouth, Virginia, for the purpose of viewing a body. The court examined a body; and Robert P. Parker, Norfolk Navy Yard check number 72-153, identified it as Joseph C. Williams (colored), Norfolk Navy Yard check number 72-8620. The court noted that the body was unmarked except for burns on both wrists.

The court then proceeded to the Richardson and Foster Funeral Home, 1926 High Street, Portsmouth, Virginia, for the purpose of viewing two bodies. The court examined two bodies; aforesaid Welch identified one as Thomas G. Whitley, Norfolk Navy Yard check number 61-2529; and Burbil James, Norfolk Navy Yard check number 11-2801, identified the other as Armistead H. Tharpe, Norfolk Navy Yard check number 11-6235. The court noted that the bodies were unmarked.

The court then proceeded to the Snelling Funeral Home, 1927 High Street, Portsmouth, Virginia, for the purpose of viewing two bodies. The court examined two bodies; aforesaid James identified one as John E. Ives, Norfolk Navy Yard check number 11-267; and aforesaid Welch identified one as Arthur R. Pumarlo, Norfolk Navy Yard check number 61-3171. The court noted that the bodies were unmarked.

The court then proceeded to the Hollman and Brown Funeral Home, 29th and Granby Streets, Norfolk, Virginia, for the purpose of viewing a body. The court examined a body; and aforesaid James identified it as James S. Willis, Norfolk Navy Yard check number 11-4185. The court noted that the body was unmarked.

The court then at 3:45 p.m. adjourned until 9 a.m. tomorrow.

SECOND DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Saturday, 29 April, 1944.

The court met at 9:10 a. m.

Present:

Captain William D. Brereton, U. S. Navy, president;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members; and,
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate.

Miss Thelma Markovitz, principal clerk-stenographer, Norfolk
Navy Yard, reporter.

The record of proceedings of the first day of the inquiry
was read and approved.

The court was cleared and the judge advocate read the precept,
original prefixed hereto.

All matters preliminary to the inquiry having been determined
and the court having decided to sit with closed doors, the court
was opened.

At this stage of the proceedings it appeared to the court
that Lieutenant Henry P. Gill, U. S. Naval Reserve, acting
commanding officer of the U.S.S. SATURN on 27 April, 1944, and
Lieutenant Ernest D. Lennon, U. S. Naval Reserve, Production
Division, Industrial Department, Norfolk Navy Yard, ship
superintendent for the U.S.S. SATURN on 27 April, 1944, each
had an interest in the subject matter of the inquiry. Each
was accordingly advised to that effect.

No witnesses not otherwise connected with the inquiry were
present.

A witness called by the judge advocate entered, was duly
sworn, and informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, check number and residence.
A. Waverly E. Sykes, fire chief, check number 10-815,
Quarters 167, Norfolk Navy Yard.
2. Q. How long have you been engaged in fire fighting work?
A. I started in the Navy Yard Fire Department on October
1, 1933.
3. Q. Have you been engaged in fire fighting continually
since then?
A. I have.
4. Q. Have you upon various occasions engaged in or directed
the fighting of fire on board ship?
A. I have.
5. Q. Were you called to a fire aboard the U.S.S. SATURN
on 27 April 1944?
A. I was.

6. Q. Will you tell the court everything you know of your own knowledge concerning that fire?

A. I will. We received an alarm at fire box 351 located on pier 5 at approximately 6:21 p.m., Thursday, April 27, 1944. As the apparatus turned into Hitchcock Avenue, northeast corner of Building 163, large quantities of smoke could be observed in the vicinity of pier 5. On passing berth 31, I noticed that the smoke was coming from the ship berthed at 32 and I knew it was the SATURN. The engine company from headquarters arrived at the fire before I did. Also, number 3 engine company which answered this alarm was there. As I stopped my truck I ran up the gangway to go aft on the ship to number 3 hold where the fire was located. Many Yard workmen aboard the ship were yelling "Chief, there are men trapped in that hold". I made my way to number 3 hold, and lines of hose were being laid aboard ship from the fire pumper. I ordered another 2-1/2" line laid from number 3 engine company and ladders placed from the dock to the ship. I also ordered a ladder brought aboard the ship with which we might attempt to gain access into the lower part of the hold. As this work was going on cries could be heard coming from the lower part of the hold and orders were given to the men below to stay as close to the deck as possible and we would get them out as quickly as we could. A rough ladder was hooked in over the cargo hold and the Assistant Chief, Jewell, went down this ladder with 2-1/2" line hose and strapped himself in in an effort to cool off the fire on the second deck down. I took the second line of hose and with the help of the men attempted to fight my way down the ladder which was placed for the men or workmen to ascend and descend into the hold. After cooling off the atmosphere, I was able to make the platform on the second landing. No one was found on the second landing. Then the line was put into play down the temporary ladder or stairway leading from the second to third deck. On attempting to go down this ladder with hose the third rung on the ladder broke under my weight and I fell to the platform below with the hose line. I immediately called for another man and we were able to quickly knock down the intense heat by means of hose line. In the meantime Assistant Chief Jewell with another man had made their way down on the opposite side of the hatch by means of a ladder and were working around to the side of the ship where the fire was. We had practically knocked down all of the fire on the overhead and side walls or bulkheads, with the exception of one large pile of stacked cork which I judged must have been about six feet high and six to eight feet square. This cork seemed to be difficult to extinguish and only after approaching very near to it and with our boots kicking it over and breaking it down were we able to extinguish the rest of the fire. Search was immediately begun for men on this deck but no one was found on the starboard side of the third deck down. I immediately began search and went to the port side of the ship. During this entire time heavy smoke and fumes filled this entire area. I stumbled against something soft on the deck and after holding my flashlight close I saw it was a man. I immediately turned him over and attempted to use artificial respiration. I called for someone to come into that section. The first man over was fire fighter V. H. Carr. As he came over he brought a light and the rays of the light showed another man within about 3 feet. I told him to get to work on the man and I heard him say "Great God, Chief, there are some more men over this way". I then ordered additional men into the hold and told one man to go on the top side and order all available ambulances and inhalators from the City of Portsmouth, Cradock, South

Norfolk, Portlock and Western Branch. That was about 20 to 25 minutes after we reached the fire. Assistant Chief Jewell then came over to where I was working on the man and he went to the dock side to carry out these orders and assist in getting the men away from the dock as they were being passed out. I called for a medical officer. I had seen two Naval Hospital corpsmen below and I asked one of them, whom I believe was named Johnson, where the medical officer was. A person dressed in khaki said to me "I am the medical officer of the ship". I said "Sorry, I did not know it" and I asked him if he would check the men and let me know which of them were dead and which had a chance because I wanted to try to use the first inhalator aboard on the men who did have a chance for life. I immediately began checking the men and also assisted in inhalator and rescue work. Then someone ordered the trays which were lowered from the crane down into the hold and stretchers and inhalators began coming in almost immediately. The men that were judged dead by the doctor were placed in stretchers and carried out of the hold by this tray. Also some men that appeared to be alive were quickly moved to the dock and I think sent to the various hospitals and to the Dispensary. Someone came below and said that Commander Whitehead was on the dock and wished to see me. As sufficient men were in the hold to carry on the work, I went to the top side and down the ladder to the dock and reported what action had been taken to Commander Whitehead.

At this point Lieutenant Henry P. Gill, U. S. Naval Reserve, and Lieutenant Ernest D. Lennon, U. S. Naval Reserve, interested parties, entered. Each was advised that he would be allowed to be present during the course of the inquiry, examine witnesses, and introduce new matter pertinent to the inquiry in the same manner as a defendant. Each examined the precept, stated that he did not object to any member of the court, that he did not desire counsel, and was informed of the testimony which had been already heard by the court.

The judge advocate continued his examination of the witness on the stand:

7. Q. Did you at any time see any flames coming out of the hatch opening at the top?

A. Yes, when we got there.

8. Q. About how high were the flames?

A. I could not say exactly. I would say they were coming out of the hatch. They were not continuous but every once in a while there was smoke and flame.

9. Q. Inside the hatch, were the flames general or were they localized on any particular side or sides, and particular deck or decks?

A. Most of the fire and flames were localized on the outboard side, starboard side, and on the second and third decks down.

10. Q. Just exactly where was this pile of burning cork?

A. On the third deck down on the starboard side of the hatch, midway of the hatch about 6 to 8 feet away from the cargo opening.

11. Q. When you arrived at the ship, did she appear to be listing?

A. No, there might have been a slight list but not enough that I noticed it. The ship did list later as the water poured in. I could not say which side it was.

12. Q. When you arrived, was the hatch opening obstructed or relatively clear?

A. It was relatively clear. There was some acetylene hose and cables but where the ladder went down there was no obstruction.

13. Q. How many welding leads and air hoses would you estimate lead into the hatch?

A. I would not know. I did not pay any attention to that.

14. Q. Was there a considerable number?

A. There were some.

15. Q. Did you observe how many exhaust pipes or blowers there were?

A. I only saw one. I remember it had a big motor and was painted red. There were several exhaust leads in the bottom of the ship with the flexible hose where the tanks were.

16. Q. How many ladders did you notice leading out of the hold?

A. One ladder. From the first to the second deck it had a rail, and from the second to the third deck was an ordinary wooden ladder, the one I fell from. There were two permanent ladders, center line forward and aft of the opening.

17. Q. Would you from your experience as fire fighter give your opinion to the court as to the cause of the fire and source of the fumes?

A. From all appearances down there the fire started in the large pile of cork and it spread very rapidly. The fumes and gases were evidently caused by burning cork and bitumastic enamel and primer coat put on the cork.

18. Q. Would you care to make any recommendations to the court as to possible future precautions to be observed which might add to preventing fires of this sort in the future?

A. I would recommend that when a ship comes into the Yard for extensive repair and overhaul that the Yard Fire Department, under supervision of the Captain of the Yard, be given the authority to make inspections and install necessary fire fighting equipment aboard these ships. Also to suspend hazardous work until the necessary precautions have been taken and in my opinion this should apply to ships in commission as well as ships out of commission.

19. Q. Is it your opinion then that the judgment of the Fire Chief of the Yard Fire Department should determine what particular precautions should be used rather than that the precautions should depend upon the judgment of the captain of the ship, the ship superintendent or the supervisors of the workmen?

A. It is my opinion that the Fire Chief's decision under the Captain of the Yard should control.

20. Q. If you observed any person or persons who exhibited especial and commendable conduct in connection with the fire fighting or rescue work, please give names to the court?

A. I think every man that went down that hold during the fire did commendable work. There was one fellow of the ship personnel, Sprague, whose assistance was very valuable and should be commended for his efficient work. In addition, there were numerous other men and all of the men that assisted in getting down below and extinguishing the fire and aiding in the rescue work.

21. Q. Do you have anything further to add that has not already been brought out by questioning?

A. No, sir.

Examined by the court:

22. Q. Did you note the direction and force of the wind when you went down?

A. No, I did not. There was not a great deal of wind.

23. Q. About how many firemen went below with you immediately?

A. About 7 or 8 followed the lines down.

24. Q. How many hoses went down?

A. Two large hoses and some of the ship's lines. Two or three others on the forward end of the hatch. We had two large 2-1/2" lines and one small line.

25. Q. Are the inhalators and rescue apparatus carried with the fire equipment?

A. No, carried in the ambulance connected with the Yard Dispensary. We have one old type inhalator and we have recently ordered a new one.

26. Q. Is an ambulance required to proceed with a fire alarm?

A. Yes, according to Navy Yard Regulations.

27. Q. Is it your observation that they do?

A. Yes, sir.

28. Q. Is the court correct in assuming there were inhalators available at the scene of the fire without making it necessary to send for them?

A. I could not say for sure whether there was or not but I know they are supposed to carry it in the ambulance.

29. Q. Did you observe the relative intensity of the flames from the second and third decks where it appeared heaviest?

A. The heaviest fire appeared on the third deck although there was considerable fire on the second deck.

30. Q. If there is a difference in types of fire, was there any?

A. The fire was more intense on the third deck than on the second. There was considerable amount of heat.

Examined by interested party, Lt. Lennon:

31. Q. On Monday, April 16th, I called you and talked to you regarding conditions on the ship and that the material we were working with was not fireproof and requested your Department to inspect the ship and report any recommendations so we could avoid the possibility of fire?

A. That is correct.

32. Q. Did your Department suggest that a fire hose be put down at the bottom of each hold that was being worked, and was that done?

A. I suggested it.

33. Q. Also, did your Department suggest that the ship procure twenty-five water-type fire extinguishers and put them throughout the holds?

A. That is right.

34. Q. In view of your inspections conducted on this ship, did you consider that the ship in general from the standpoint of fire hazard was in good condition?

A. No. In so far as the accumulation of trash was concerned, I would say yes, but the material that was being used, such as cork and bitumastic enamel, and welding and burning going on, it was not considered a safe practice.

35. Q. Was that brought to the attention of the ship superintendent personally?

A. The ship superintendent asked me to conduct an inspection of the ship relative to the fire hazard and to make suggestions as to the proper type of equipment necessary for fire fighting, which I did. I suggested to Lieutenant Lennon, after telling him I had no authority aboard the ship, that I would make the suggestion that water lines be laid into the holds of the ship and water kept to the nozzle. I further suggested that the five-gallon pump type water can be placed in the hold for first aid fire fighting.

Re-examined by the court:

36. Q. Was it your observation that these recommendations had been carried out?

A. Yes, they were.

Re-examined by the judge advocate:

37. Q. Did you or your Department have occasion to inspect and to object to the pile of cork which had been prepared for use by dipping in bitumastic solution, which you previously testified was located on the starboard side of the third deck about midway in the hold?

A. It is my understanding that the pile of cork was placed there sometime in the afternoon so the night shift could install it. The first I knew of it was when the fire was there.

Re-examined by interested party, Lt. Lennon:

38. Q. Do you think that by calling your Department in to inspect the ship and make recommendations and putting fire hose in the hold and the twenty-five extinguishers over and above

those on the ship, that we were taking precautions over and above the usual precautions taken on commissioned ships in this Yard?

A. This is one of the few ships in commission that the ship superintendent has requested the Fire Chief to assist him in prevention of fires by Yard workmen.

39. Q. Has it been your observation and the observation of your men in inspecting the ship that the ship's fire watchers were on the job with the welders?

A. The fire inspectors detailed from the Fire Department to make the inspections on request of Lieutenant Lennon have reported conditions along these lines very good. Whenever trash has been found in the hold of the ship, Lieutenant Lennon has been informed or the leadingman laborer and the trash has been removed.

Examined by interested party, Lt. Gill:

40. Q. Do you think the type of material being installed on this ship that water cans and CO₂ are adequate fire protection?

A. Yes, water cans and 1-1/2" lines, but not CO₂. CO₂ is not intended for ordinary Class A fires, but is recommended for use on Class B and C fires. Class A fire is a fire of ordinarily combustible material, like wood and textiles. Class B fire is inflammable - oil and gas. Class C is electrical fire.

41. Q. Has anybody told you the way the fire acted?

A. I heard from some of the fellows.

42. Q. Do you think that if the men on fire watch had used water cans instead of CO₂ it would have prevented the fire?

A. Yes, I do.

43. Q. Do you recommend that CO₂ be removed and water cans be used exclusively?

A. Yes.

44. Q. Is it not a fact that ships in combat duty are required to carry none other than CO₂ fire extinguishers?

A. I think so. I read a Bureau of Ships' letter on that subject.

45. Q. In your opinion, do you think ships should be equipped with other than CO₂ extinguishers?

A. Yes.

46. Q. What kind do you recommend?

A. I recommend five-gallon pump type water cans.

Re-examined by interested party, Lt. Lennon:

47. Q. Did you know prior to the occurrence of the fire on the ship that bitumastic primer was highly inflammable liquid?

A. Yes.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

To the best of my knowledge there was not a doctor in the ambulance that responded to the alarm. I do think that with the number of workmen in this Yard a doctor should respond to all fire alarms. This fire was on a ship in commission and no doubt they carry medical officers, but it could have been a ship out of commission and no doctor be there. That happened on the SHANGRI-LA.

Re-examined by interested party, Lt. Gill:

48. Q. In your opinion, do you think that everything that the ship's force could possibly have done was done for the type of fire that it was?

A. The ship's force had their fire and hose lines in operation when we arrived at the fire.

Re-examined by the court:

49. Q. Will you please cover the question of excess water in the ship and its effect on the stability of the ship during the time the ship was under your observation?

A. When I first noticed the ship beginning to list, the fire had been brought under control and I asked the officer of the deck or some officer to have his lines cut off, that we had the fire under control and did not want to put any more water down below for fear of capsizing the ship. The Fire Department installed a water syphon in the inner bottom tanks and syphoned water from the ship's tanks over the side and after practically freeing the tanks of water the syphon was removed and the ship's officer notified, and I think the balance of the water was handled by the ship's bilge pumps.

Re-examined by interested party, Lt. Gill:

50. Q. When you put your syphon in the tank, was the ship listing then?

A. Not much, I would say.

51. Q. Did you know the ship was taking measures to correct the list?

A. I had been told it was. The syphon was not only put in to assist the ship in freeing the water from the tanks, but also to get the water out of the tanks as fast as possible because reports had been circulated that three men were trapped in the bottom tanks and it was necessary to get the water out to determine if this was true. No one was found in the inner bottom tanks.

Re-examined by interested party, Lt. Lennon:

52. Q. Do you feel that I made every effort to comply with your recommendations on the job?

A. I do.

None of the parties to the inquiry desired further to examine this witness.

The court again informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then at 11:15 a.m. took a recess until 2:00 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the parties to the inquiry, and the reporter.

No witnesses not otherwise connected with the inquiry were present.

A witness called by the judge advocate entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, check number and residence.

A. Dorsey R. Slaughter, cutter and burner third class, check number 26-6446; 681 Dorset Avenue, Alexander Park, Portsmouth, Va.

2. Q. Were you employed on board the U.S.S. SATURN on the evening of April 27th?

A. Yes, sir.

3. Q. Where were you working?

A. On the bottom deck of number 3 hold.

4. Q. Would you tell the court everything you know of your own knowledge concerning the start of the fire and about the fire?

A. It was around 6:20. I had looked at my watch and it takes us about 15 or 20 minutes to get our connections and I was ready to cut off and I saw a welder above and noticed sparks falling and when I looked at the next deck I saw the blaze starting. I yelled for somebody to put out the fire. That was on the right hand side of the ship. I did not see anyone on that side of the hatch in this hold. I could not say for sure there was not anyone there but I was excited and the fire attracted my attention. I did not see anyone for 30 or 40 feet. When I yelled "fire" everybody else started yelling. The next thing that came to my mind was to get out. The way for people to get in and out - there were three ladders from the bottom deck up, you go up one ladder and have to walk around and find the other ladder and at the center opening of the hold, there

is a main ladder built there and across each deck they have a platform built from one side to the other and these boards are there and when I saw we were cut off I went to the main ladder. I was blocked and I ran back down and yelled for everybody to get down as low as possible. There were several there. I went back to the engine room and got into the manhole in the inner bottom and buried my face in my hands and I lay there and one man came in with me. The lights were out and we had to feel our way around. After a while, it seemed to be about 30 minutes, I heard someone cutting and saw the sparks, and I looked out and there was a man cutting through from the engine room. He stopped cutting and the thought struck me he might stop so I took a wrench out and threw it across the bulkhead and I felt around and found a piece of metal and banged on the bulkhead and then went back into the hole and they started cutting again. It took about 5 minutes to burn the hole out and when I heard the plate fall I started to get out and when I put my head out of the manhole I saw a light and the men were calling to me and I reached up and caught somebody's hand and that was the last thing I knew. I passed out then.

5. Q. How many welders were there in the hold at the time the fire started?

A. I could not say. There were two welders near me.

6. Q. How many would you estimate on the deck above you?

A. I could not say. I did not see anyone. I could not see the deck above me. I could only see the sparks falling.

7. Q. What deck was that?

A. The main deck.

8. Q. When you came down into the hold, did you notice a pile of cork blocks stacked on the third deck down?

A. Yes, I did.

9. Q. Where was this fire you spoke about when you started to leave?

A. On the edge of the third deck. I think there are three or four decks there. The welder was working above on the edge so naturally the fire started on the edge of the third deck. The cork insulation was padded between the framework of the ship level with the decks at the hatchway. All that insulation had been painted with glue or tar so when it started it went up fast.

10. Q. Did you see any fire in the pile of cork blocks at the start?

A. No, sir.

11. Q. You testified that the staging blocked off the vertical ladder which you first climbed. Did you try to get by the staging?

A. Yes, sir.

12. Q. Did it move?

A. No. I have a bruise on my arm where I tried to get by.

13. Q. Was there a fire watch from the ship in the hold?

A. I was so excited I could not see. I did not see anyone at that time.

14. Q. Did you see any fire extinguishers and water cans?

A. I did not notice any, but I am sure we do not go on the job unless we have them around.

15. Q. Was there a fire watch assigned to you on the fourth deck?

A. Yes, the burner ahead of me just worked 9 hours. I went down and put my torch on his hose and relieved him to work three hours. When we go on the job we ask for a fire watch and he is supposed to stay there until someone relieves him. We cannot watch them all of the time. There was no one there at the time. He might have gone out. I cannot say about that. I did not see any at that time.

16. Q. When you first went to work, was there a fire watch with you?

A. No, sir.

17. Q. Did you notice a fire watch with any other men at work on the fourth deck?

A. No, I did not notice it. I am not saying there was not any. There was no one with me. This man I relieved was supposed to have a fire watch with him.

18. Q. Was one there?

A. I do not remember.

19. Q. You do know there was no one with you when you started work?

A. Yes, sir.

20. Q. Then you proceeded to work without first ascertaining whether you had a fire watch with you?

A. When I went to work that day I was working in the engine room so I went to the chief in charge of the engine room and asked for a fire watch. He asked where I would be working and said "go ahead".

21. Q. Did you go to work on hold number 3 without a fire watch with you?

A. I did not have one with me, no.

Examined by the court:

22. Q. When you went forward from your station and into the engine room, while you were there did the smoke become strong?

A. Yes, the fire blazed up so fast it sprang up everywhere almost instantly.

Re-examined by the judge advocate:

23. Q. Who was your supervisor in charge of welders?

A. Mr. Short.

24. Q. Did your supervisor assign you to this particular job?

A. Yes, sir.

25. Q. Were you actually engaged in burning on the fourth deck of the hold before the fire started?

A. I burned just a little bit.

Examined by interested party, Lt. Gill:

26. Q. At the time you first noticed the fire, were you under the hatch?

A. On the opposite side.

27. Q. They could not have attempted to put the fire out without your seeing them?

A. I believe I would have seen them.

28. Q. Have you ever heard or seen a CO₂ fire extinguisher discharged?

A. Yes, I have used them.

29. Q. You saw nothing that looked like that?

A. There was not one used. I would have heard it.

Re-examined by the court:

30. Q. Were any men that worked on the deck level where you were killed in this accident?

A. I do not know. I could not say. There is a welder I know that was with me working above that got out. As for the ones who got killed, I do not know.

31. Q. Do you have anything further you wish to tell the court?

A. There was not sufficient way to get out of there. I believe the men in there will tell you the same thing.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, check number and residence.

A. Ralph O. Welch, leadingman joiner, 61-831; 2023 Evergreen Place, Portsmouth, Va.

2. Q. Were you in charge of the joiners who were working in hold number 3 of the USS SATURN on April 27, 1944?

A. Yes, sir.

3. Q. How many men were in there?

A. Thirteen - 12 mechanics and one helper.

4. Q. What were they doing?

A. I had 6 on the starboard side insulating and the other 6 on the port side installing floor joists.

5. Q. On what decks were they?
A. On the third deck.

6. Q. How long a shift do they work?
A. 9 hours, on the night shift.

7. Q. Please describe the method of installing the insulation.

A. The insulation had already been prepared with bitumastic solution and it was stacked up on the deck from the previous shift. They did not have the paint shift there at night and they prepared it in the daytime. These men on the starboard side were installing the insulation already prepared.

8. Q. Did they have cork insulation stacked on all decks in the hold?

A. I believe there was some on the second level that we moved from the hatch. I removed 2 feet so they could do that.

9. Q. That was in addition to the cork prepared ahead?
A. Yes, sir.

10. Q. Were there welders and burners at work in the hold at the same time?

A. A welder and a burner also on the staging of the second level where I removed the cork and sheathing. They were there when I went to the office. I left the job around 20 minutes to 6.

11. Q. Did you notice a fire watch?

A. Yes, they had fire watches there and CO₂.

12. Q. Did you notice more than one man?

A. I know there was more than one. The previous night there were four.

13. Q. How long have you been employed as a joiner in the Yard?

A. Four years.

14. Q. Have you in your experience ever witnessed this cork prepared with bitumastic compound catch fire?

A. No, I have not.

15. Q. About how many men would you estimate were working in the hold that night?

A. At least 50.

16. Q. Did you consider the means of entering and leaving the hold as adequate?

A. In view of the fact that they had to lower the plates down there, that was the only way to get down there, if they had ladders they could not have lowered the bulkheads without moving the ladders.

17. Q. Did you have any joiners engaged in applying wood along the port wall?

A. No, we were out of sheathing and it had not come from the mill.

18. Q. Had the sheathing that had been applied been varnished or treated?

A. The sheathing on the second deck level had. That was completed. The sheathing on the third deck had not.

19. Q. Was it varnish or special preparation?

A. It had the appearance of varnish. I do not know.

20. Q. When had that been done?

A. About a week ago.

21. Q. You were not personally present at the time the fire started?

A. I was not.

22. Q. Did you assist in the rescue work?

A. I did, all I could.

23. Q. When you left the hold, did you notice whether there was a strong wind blowing and if so, from what direction?

A. I could not say.

24. Q. Were they lowering bulkheads in the hold after your shift started?

A. There was a bulkhead lowered when my shift came on and one was lying there. They had lowered it down into the hold laying on the top side.

25. Q. How many of your men were killed?

A. Eight.

26. Q. How many were injured sufficiently to go to the hospital?

A. One.

27. Q. Whereabouts were the dead men working at the time the fire started?

A. I had 6 men working on the starboard and 6 on the port of the third deck level.

28. Q. What was the distribution of casualties?

A. The firemen picked up all of the men on the port side. Evidently they ran from the starboard side.

Examined by the court:

29. Q. Are you familiar with the name of this bitumastic cement that they use on the cork?

A. I do not know.

Examined by interested party, Lt. Lennon:

30. Q. You say you had 6 men on the starboard?

A. Yes, sir.

31. Q. Does that cork come in large slabs?

A. 12" by 3' lengths.

32. Q. Approximately how long would you estimate it would take your 6 workmen to lay the supply of cork they had?

A. I had figured on it by 10 o'clock that night.

33. Q. Had you planned to call the paint shop and paint some more?

A. No, we had ample cork there.

34. Q. Was the method you were using for installing the cork the method being used in the Yard?

A. Yes. We have used fibre glass on the deck.

35. Q. In view of the additional fire extinguishers down there and the hose line and the fire department checking the shift during day and evening for hazards, in your opinion were we taking all reasonable precautions we could to avoid trouble on the job?

A. Yes, sir.

Examined by interested party, Lt. Gill:

36. Q. Those 6 men working on the starboard side, did they run to the port side?

A. Three on the starboard side got out and the other three went port.

37. Q. The men that went to the port side, did they have to go across the two boards laid there?

A. That was the only way they had of getting there.

38. Q. Which they no doubt did?

A. Yes, sir.

39. Q. In order to do that, they had to go past the ladders at the hatch?

A. Yes, sir.

Re-examined by interested party, Lt. Lennon:

40. Q. Where was the reserve cork that we had aboard for safety reasons kept?

A. Most kept on the dock.

41. Q. Where was the bulk of the lumber kept?

A. On the dock.

42. Q. How was it handled as needed below?

A. The crane would set the lumber on the dock and pass it down into the holds.

43. Q. Why was that done?

A. That was done to keep from accumulating lumber and creating a fire hazard.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, check number and residence.

A. Jesse F. Horner, joiner first class, check number 61-1685; Moffett Park, 342 Dorset Ave., Portsmouth, Va.

2. Q. Where were you employed on the evening of April 27, 1944?

A. I was on the SATURN.

3. Q. Where on the ship?
A. Number 3 hold.
4. Q. What level of the hold?
A. Third deck.
5. Q. What were you engaged in?
A. I was cutting some floor timbers.
6. Q. Will you tell the court everything you know about the start of the fire that occurred?
A. Someone hollered "fire" and I raised up and this pile of cork was on fire and at the time I saw it the fire watch put water on it but it spread instead of checking. I went to the ladder and there were 6 of us on the starboard side. One made up the ladder after me. It got so hot the man working with me waited for the other man and he ran to the other side. He could not make it and I looked back and it was so smoky I could not see anything.
7. Q. The pile of cork you saw which had been laid on the deck, was it prepared and not laid?
A. Prepared and not laid.
8. Q. Was there a welder or burner at work in the vicinity?
A. I did not pay attention to it. There may have been on the next deck.
9. Q. From where did the fire watch come?
A. He was standing by the cork.
10. Q. Did he come from another deck?
A. No, he was on the deck level.
11. Q. Do you recall whether or not you were among the first or last to leave?
A. I was the first man up the ladder.
12. Q. Were the others behind you?
A. Yes.
13. Q. Which ladder was it?
A. The one going from the third to second deck on the starboard side. You had to cross the port to get to the top. It was aft.
14. Q. How close were you to the ladder when you were working?
A. 6 or 8 feet.
15. Q. Was all the fire you saw confined to the pile of cork prior to the use of a fire extinguisher?
A. Yes, sir.
16. Q. Did you notice any fire or flame on the second deck?
A. I did not see any.
17. Q. Did you have any difficulty reaching the main deck?
A. No.
18. Q. Was that the only way out of the hold?
A. Yes.

19. Q. Did you notice welding or burning going on at any other deck levels?

A. No, I had not noticed any.

20. Q. Did you notice the fire yourself or was your attention called to it?

A. My attention was called to it. I heard someone holler "fire".

21. Q. Did you notice any fire extinguishers or water containers in the hold when you went to work other than the one at the fire watch?

A. Not that particular day. They had been all the time we were working down there.

22. Q. Did you see anyone attempt to use a water container?

A. No, sir.

Examined by interested party, Lt. Gill:

23. Q. Did you notice any men make attempt to get out by way of the iron ladder?

A. No. They could not have gotten up there. They would have had to go around about 5 feet.

24. Q. Do you recall how many men were working with you on the starboard bottom?

A. There were 6 working. I would not say how many went over.

25. Q. Who was the man who was working with you who attempted to make the ladder?

A. Scott.

26. Q. Was he working on the starboard also?

A. Yes.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, check number and residence.

A. Clifford D. Short, leadingman welder, Shop 26, 133; Box 297A, Route 2, Portsmouth, Va.

2. Q. Were you in charge of the welders that worked in number 3 hold of the SATURN on 27 April 1944?

A. Yes, sir.

3. Q. How many welders did you have in the hold?
A. Three burners, ten welders.
4. Q. How were they distributed on the various levels?
A. Two men on the port side in the aft port corner of the bottom deck; four men on the third deck level on the forward starboard corner; one man on the second deck level on the half way platform and two men on the top deck level; a burner and welder in the inner bottom; one burner on the bottom deck at frame 110 center line in the new bulkhead.
5. Q. Did you assign the men to their various tasks?
A. Yes, sir.
6. Q. Did you place them personally?
A. Yes, sir.
7. Q. Did each man have a fire watch?
A. The men that were working near inflammable material had fire watches. The other men that were nowhere near inflammable material did not have fire watches.
8. Q. How many men did have fire watches?
A. I would estimate that two groups had two fire watches. I am certain of one fire watch because I spoke to him myself.
9. Q. Where were those two fire watches located?
A. One watch was on the third deck level aft corner near the combustible material. The painters had painted that afternoon some work we had to weld. The fire watch was playing water over it to keep it from getting hot. The water was dripping down and I told him to play the stream in another direction to keep from dripping. The other fire watch was on the second deck level, starboard side.
10. Q. With what were the fire watches equipped?
A. I do not know. The one playing water, someone told me he used CO₂.
11. Q. Did you have jurisdiction over the joiners?
A. Yes, sir.
12. Q. Did you permit the joiners and welders to work with these two fire watches present?
A. Yes, sir.
13. Q. One of the fire watches you are certain about?
A. That is right.
14. Q. Were there any welders engaged in work on the starboard side of the third deck level?
A. In the far forward starboard corner on the new bulkhead they are putting in.
15. Q. Please give us the names and check numbers of the men on the starboard side forward of the third deck level.
A. Nichols, 3028; Stone, 2567; Sprinkle, 2609, Dougherty, 751.
16. Q. Which, if any, of these men lost their lives?
A. Mr. Sprinkle.
17. Q. Did you lose any welders?
A. Yes, Mr. Lee.

18. Q. Where was he working?

A. At Frame 110 centerline of the bottom deck inside the Diesel engine room.

19. Q. Did Lee have a fire watch?

A. No, he was working on the new material.

20. Q. Did you assist in the rescue work?

A. Yes, sir.

21. Q. Do you know where Sprinkle and Lee were found?

A. No. When I was making an attempt to find out when I got to the fire, I first went to the bottom and went around to the men and pulled the rags off their faces and I noted the men I had and those I found. There were three men missing- Lee, Nichols and Sprinkle. I knew where they had been working and I started over there and fell through the open machinery access and my leg was numb and I crawled out of there and saw they were trying to pull out this heavy man. I tried to help them but I could not move. I do not know where they found Sprinkle or Lee.

22. Q. Where were you when the first alarm of the fire was given?

A. I would say 10 minutes before I was on every job in the hold. I was checking on the men from the bottom to the top deck. When I got to the top side I asked the shipfitter if he was going to finish the job and he said "No, because it is getting too late". I walked forward to the Ship Superintendent's Office and started writing the night sheet. I was there approximately 5 minutes when someone ran forward and said that there was a fire. I believe 7:15 was the time I ran back to the third hold. The shipfitter I had just spoken to was there. I asked him if the men got out and he said "no". There were some sailors there and they tied a line around us and the shipfitter and I worked down to the third deck where the fire was. We started to work around from the forward side. The Fire Chief hollered to cut the water line off. I saw a fellow walking around, the top of his head was visible. He was hollering and I grabbed him and then the riggers were lowering a tray in the hold. The smoke was beginning to clear and I then checked to see about the men. I came up the ladder to cross when I fell through the machinery access hole.

23. Q. What fire fighting equipment did you notice in number 3 hold in your rounds before the fire started?

A. I could not put my finger on any one thing. I believe the fire watch had a pump can.

24. Q. Were your welders or burners furnished with any fire fighting equipment?

A. No, sir.

25. Q. Were there, to your knowledge, any soda acid type fire extinguishers?

A. Not to my knowledge.

26. Q. Any asbestos gloves or blankets in number 3 hold?

A. Not to my knowledge.

27. Q. Did you think there was a fire hazard existing there?

A. I think there was a fire hazard existing from stem to stern on that ship. I said that to my quartermaster that morning I went on the job. I sent my men to get their tool boxes and I went and looked the job over and I told my quartermaster, Otis McGee, that they were making a fire trap there. I

asked if we would work with the cork and wood. He said the job was ordered to go on.

28. Q. Besides notifying Mr. McGee, what did you do about it?

A. On one particular occasion I called Lt. Lennon's attention to one job and he and I worked out a satisfactory solution on this particular job.

29. Q. Did you notify anyone that the work in hold 3 specifically was dangerous?

A. No, after I notified Mr. McGee and Lt. Lennon, I thought that was the end of my duty.

30. Q. When you assigned your men to jobs in hold 3 on April 27th, did you consider the work there was dangerous?

A. Yes. I stationed the men away from the dangerous points as far as possible.

Examined by the court:

31. Q. I have before me a copy of Manager's Notice No. 23/42 of April 10, 1942, Subject: "Safety Precautions to be Followed in Welding and Burning on Ships under Construction or Repair". I show you this and ask if you have ever seen this notice?

A. I have never seen it or one like it.

25a The court directed ^{*the judge advocate*} to attach a copy of Manager's Notice 23/42 to the record and marked ~~it~~ Exhibit "1".

32. Q. Having in mind the danger of this particular job, as you have said, did you check on the adequacy of ladders for getting out of this hold?

A. I thought it was a horrible arrangement of ladders. The ladders going from the main deck to the second deck level ran aft of the ship to the port side, centerline, to a staging. At the starboard side of the staging there was a ladder running to the third deck. From the third deck you had to walk around forward to approximately center of the third hold and descend the ladder aft to the bottom level. The vertical ladder on the aft side was blocked. The vertical ladder on the forward side was blocked off by plates being installed that day.

33. Q. Is it part of your job to protest a case like that if you felt the situation is unsafe in regard to escapability, or whose job is it?

A. I do not believe that responsibility falls into my category.

34. Q. Had you felt inclined to protest, who would you have gone to?

A. Lt. Lennon

35. Q. One of the paragraphs of this Notice you just saw, paragraph 10 says "One copy of this order shall be given to each supervisor in the shops which perform hot work (Shops 26, 51, 56) on ships under construction or overhaul. The Supervisor shall in turn personally instruct each man under his supervision in its contents. A copy will in addition be furnished to each man who will return the attached coupon which will be placed with his record in the shop. A similar procedure will be followed in the case of all new employees reporting for work in the welding, burning or related trades." You have stated you never had one of these. From whom would you have gotten a copy of this order?

A. I do not know.

36. Q. Who is your immediate boss?
A. Mr. McGee, quartermaster.
37. Q. When did you begin work in the Yard in welding?
A. Four years in June.
38. Q. How long have you been a supervisor?
A. Since last June, 1943.
39. Q. I again show you Manager's Notice 23/42. Have you ever seen it before?
A. I do not remember having seen it.
40. Q. Since you have become a supervisor, what procedure do you follow to obtain fire watches from vessels in commission in which you are doing work?
A. As I assign my welders to their tasks I investigate their jobs. If the job is particularly hazardous I ask the men to go to the O.D. and place the fire watches as they are told.
41. Q. Then does the court infer that if a job is not particularly hazardous that you do nothing about fire watches?
A. I am under the impression that all welders and burners should have a fire watch.
42. Q. Do they?
A. These men that were assigned to their task were assigned at 4:45 that day to work overtime hours until 7.
43. Q. Are there times when you place your men working on ships in commission when you do not feel it necessary to have them ask for fire watches?
A. No, sir.
44. Q. On ships in commission then, do you always get fire watches?
A. Yes, sir.
45. Q. By that do you mean for each individual burner or for a group of burners working in the same locality?
A. When a man is working in a group I usually see they have one fire watch.
46. Q. In this particular case on the SATURN it is my impression there were fire watches on each second and third deck levels. Is that correct?
A. As far as I can remember, it is. They were supposed to have fire watches during regular hours and when they were assigned to the job to finish the day I took for granted they still had fire watches. I know of one and I believe there was another.
47. Q. Were there fire watches in the vicinity of welders working on the starboard forward corner of the third level?
A. Not that I remember seeing at my last check.

48. Q. Did you have a welder working in there?

A. The closest men I had were approximately 30 feet from the cork pile.

49. Q. On the same side?

A. Yes, sir.

Re-examined by the judge advocate:

50. Q. Did you have any welders or burners that were working on the main deck near the combing?

A. Yes, but at the time of the fire I do not believe they were working there. They were working with the shipfitter and it began to rain and I walked to the office and he followed. I am almost certain there was no more welding done.

51. Q. Did you have a welder or burner working at the combing on the second level?

A. When I checked that job he was not working.

52. Q. You have no means of knowing whether he was working at the time of the fire?

A. When I ran back there he was one of the first men I saw.

53. Q. What was his name?

A. Thomas, check number 1767.

Examined by interested party, Lt. Gill:

54. Q. You said the fire watch was putting water on hot plate to cool it. What was he using?

A. I do not remember, but I think it was a pump.

55. Q. Do you remember about what time that was in relation to the fire? Very long before?

A. I would say about 10 minutes before.

Examined by interested party, Lt. Lennon:

56. Q. On or about April 16th when you mentioned in view of the cork and lumber aboard that the condition could be hazardous, do you remember shortly after seeing the firemen and safety marshals check the ship?

A. Yes, I think I did.

57. Q. In every instance that you came to me with a specific problem, did I not cooperate?

A. You did, 100%.

Re-examined by interested party, Lt. Gill:

58. Q. There were two separate jobs being carried on. Do you recall whether any additional fire watches were requested?

A. I do not. There were more than two separate jobs. There was only one job on the third deck. There were more below that deck.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then at 4:25 p.m. adjourned until 9 a.m. Monday,
1 May 1944.

THIRD DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Monday, 1 May 1944.

The court met at 9:00 a. m.

Present:
Captain William D. Brereton, Jr., U. S. Navy, President;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U.S. Naval Reserve, members;
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate; and
Lieutenant Henry P. Gill, U. S. Naval Reserve, *and*
Lieutenant Ernest D. Lennon, U. S. Naval Reserve, interested
parties. 259

The record of proceedings of the second day of the inquiry
was read and approved.

The judge advocate administered the prescribed oath to Ralph
J. Underwood, Norfolk Navy Yard, the reporter, who took seat
as such.

No witnesses not otherwise connected with the inquiry were
present.

A witness called by the judge advocate entered, was duly
sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rate, check number, and present address?
A. Cabbie Scott, check number 61-2673, Allen Trailer
Camp, Joiner third class.

2. Q. Where were you employed on the afternoon or evening of
27 April, 1944?
A. Working down on third deck.

3. Q. Of what ship?
A. SATURN, I believe.

4. Q. What hold?
A. Number 3.

5. Q. Will you tell the court what you know of your own
knowledge of anything in general about the fire that occurred at
that time?

A. I was working on some joists about ten feet from this
pile of cork. And when I saw the fire it was small. About as
much smoke as fire. Looked like it was coming up through the
cork and so when a sailor threw water to it, I don't know, it

exploded or something. Just blew up, fire gathered and that about all I know.

6. Q. What did you then do?

A. Well, I ran around and started up the ladder, but the blaze was coming up, hitting the deck, burning off the ladder. I could not make it so I went on around the side where the men were. Everybody went port side and I swung out on burner's line and went out the top.

7. Q. What were the men on the port side doing or saying.

A. When I left all is hazy. I remember seeing they were backed against the skin of the ship. Someone hollering "Throw some water."

8. Q. How many ladders did you observe were available for leaving the third deck?

A. Not any.

9. Q. If there had been no fire, how many would there have been?

A. One.

10. Q. Did you observe the permanent ladder attached to the aft bulkhead?

A. Yes.

11. Q. Could that have been used to leave the ship?

A. No, sir.

12. Q. Why could it not?

A. Blocked off.

13. Q. How was it blocked off?

A. There were some boards laid down and a ladder going from second deck to first deck sitting on the boards and they used that for a walkway coming up the third deck. On one ladder walk across one board up to the first deck. The ladder on aft bulkhead, blocked off on second deck.

14. Q. Do you know whether or not any of the boards in front of the permanent steel ladder were movable?

A. Yes, some were. I think, to the best of my knowledge.

15. Q. Do you know whether or not anyone attempted to leave the third deck, move the boards and go up the permanent ladder?

A. Not, as I know of.

16. Q. How did you know the boards were movable?

A. Well, way they looked. Looked like to me might be movable, one or two. A 2x4 holding the rail by the hold.

17. Q. Had you any means other than your own observation of knowing the boards were movable?

A. No, I did not.

18. Q. Were you the only one who attempted to get up the wooden ladder?

A. No, I know of two went up the wooden ladder.

19. Q. Did they get up?
A. Yes.

20. Q. Do you know anyone who tried at the same time as you or afterwards to go up the wooden ladder?
A. No, sir.

Examined by interested party, Lieut. Lennon:

21. Q. Did you from time to time during the job see firemen and safety marshalls making inspections aboard?
A. No, sir.

22. Q. Did you notice fire extinguishers sitting around on various decks and levels other than those actually at hand by the fire watches?
A. Only one I saw.

23. Q. You said you saw water put on the fire. Are you sure it was water or CO2 or do you know?
A. I am not. I don't know much about the fire chemicals. I do know when he opened it up, made a noise and looked like a mist of fog coming out the end. I do not think it was water.

Examined by interested party, Lieut. Gill:

24. Q. When you left the starboard side and tried to get up the ladder do you recall whether the fire watch had left that hold?
A. He had left.

25. Q. Before you came up?
A. Yes, he threw coat over head and ran up the ladder.

26. Q. Do you recall whether there was any congestion at that ladder at the time you were trying to get out? Were two or three trying to get up at the same time?
A. No, sir.

27. Q. If it had not been for the fire the ladder would have been adequate to get up?
A. Yes.

None of the parties to the investigation desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the investigation which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rate, check number, and present address?
A. George Thomas, check number 26-1767, 665 Belmont

Avenue, welder, first class.

2. Q. How long have you been employed in the Yard?
A. This July it will be three years.

3. Q. Where were you employed on the evening of 27 April, 1944?
A. I was on the ship, where the fire was.

4. Q. Do you know the name of this ship?
A. No, sir.

5. Q. Where on board that ship were you working?
A. I was on, I believe, a half deck, second half deck from the top.

6. Q. In the hold?
A. Yes.

7. Q. What were you doing?
A. I was welding the deck.

8. Q. On what side?
A. On the port side.

9. Q. Was it the side farthest away or nearest to the dock?
A. Nearest to the dock.

10. Q. Where were you in relation to the forward end or aft end of the hold?
A. I was nearer to the forward end of the hold.

11. Q. About how far do you estimate were you working from the aft end of the hold?
A. That would be quite aways. I was at the forward end of it, right close to the forward end.

12. Q. Where were you working with relation to the hatch coaming?
A. That was what I was working on, welding the deck to the coaming.

13. Q. When did you first notice there was a fire?
A. Someone hollered, "fire".

14. Q. Did the cry "fire" disturb you at your work?
A. Yes, sir.

15. Q. What did you do then?
A. I looked down to see the fire and someone said I had better get out. I did not know whether talking to me or someone else. I started out.

16. Q. Where was the fire?
A. One deck below me on the starboard side.

17. Q. Did you have a fire watch assigned to you in that particular job?
A. There was one below me on the next deck.

18. Q. Was there one with you on the same deck?
A. No, sir. I don't recall on the deck with me.

19. Q. Was anyone else welding or burning near you?
A. Yes.
20. Q. How many men?
A. Three.
21. Q. How many burning apparatuses were in operation at the same deck with you?
A. None with me.
22. Q. How many welding leads with you on the same deck?
A. None on the same deck.
23. Q. You were the sole welding lead operating on that deck?
A. Yes, sir.
24. Q. Was the fire immediately across from and below you?
A. Yes, sir.
25. Q. Where were the other men working?
A. Over me. One man on staging over me, welding stiffeners across the hold.
26. Q. On the main deck?
A. I guess what you call it, but inside the hold. This was the deck they were putting in the hold, on the top side.
27. Q. Do you know the name of the man or men engaged in welding or burning on the stiffeners.
A. Mr. Ogle.
28. Q. Who else?
A. Mr. Kelly, Mr. Parker.
29. Q. Do you know the check number of either of these men?
A. No, sir. They were working on the deck. They were putting it down. One burning and one tacking it.
30. Q. When you were working did you notice whether or not any of your sparks were flying out across the hatch?
A. No, sir. I would not think they were.
31. Q. But you don't know whether they were or not.
A. It could be possible but I don't think they were. That is quite a way across that hold and down a deck.
32. Q. Would you tell me again just what specific type of work you were performing at that time just previous to the fire?
A. I was on production work on the deck.
33. Q. You were working on the coaming, welding deck plate to the coaming, is that correct?
A. Yes, sir.
34. Q. You were using the usual electrode for that type of work?
A. Yes, sir.
35. Q. You were located along coaming toward the forward end of the hatch opening?
A. Yes.

36. Q. About how far from the forward end of the hatch opening were you situated at the time the fire started?
A. About four or five feet.

37. Q. Did you notice a pile of material on the level below you and on opposite side of hold where you were working?
A. It seemed as though I did.

38. Q. Before you started working?
A. No, sir.

39. Q. What was the first recollection you have of noticing that material?
A. When they hollered "fire".

40. Q. How was that fire situated in relation to you?
A. I was facing that way and turned around like that (indicating by turning head in opposite direction from position witness was sitting in) and looked down.

41. Q. Almost across from you?
A. No, over and across.

42. Q. How far over would you estimate?
A. About eight or ten feet.

43. Q. Did you have a fire extinguisher at hand?
A. No, sir.

44. Q. Have you ever while welding in the Navy Yard had a fire extinguisher at hand?
A. Yes, sir.

45. Q. Have there been times you have not had fire extinguishers at hand in addition to this one?
A. No, sir. The fire watch has always got the fire extinguishers.

46. Q. Did you have an asbestos blanket at hand?
A. Most times.

47. Q. Did you this time?
A. No, sir.

48. Q. I call your attention to Manager's Notice 23/42. Do you have a copy of that notice. (Witness examines Mgr's Notice 23/42, exhibit "1").
A. I don't believe I have.

49. Q. Have you ever been given a copy?
A. No, sir, I don't think so.

50. Q. Did you ever sign a receipt for a copy of this notice?
A. I don't think so. I would not be positive.

51. Q. Who is your immediate supervisor?
A. Mr. Short.

52. Q. Did you notice any fire extinguishers in the hold at the time you went to work besides the one in the hands of the fire watch?
A. No, sir I don't believe I did. I had just come over into that hold to work after 4:45 p.m. I had been working in the laundry and engine room.

53. Q. Did Mr. Short know you were coming into the hold?
A. Yes, sir.
54. Q. Did he see you at work?
A. Yes, sir.
55. Q. How many ways were there, to your knowledge, of getting out of that hold?
A. One.
56. Q. What was that?
A. By ladder.
57. Q. How did you get out?
A. I came up over the deck above me.
58. Q. How did you get to the deck.
A. A staging in the hold for the guy above me to work on.
59. Q. Did you see others attempting to get up same way?
A. No, sir.
60. Q. You don't know whether anyone attempted to get up same way?
A. Another boy came out from under there. A boy working on the deck above me.
61. Q. Did anyone tell you that the hold contained material which might be inflammable?
A. No, sir.
62. Q. Do you know whether or not it contained material which might be inflammable?
A. I knew there was wood and cork in there.
- Examined by interested party, Lieut. Lennon:
63. Q. Did you feel like, in view of the cork and wood you mentioned, you were taking proper precautions that your sparks did not fall on that material and ignite it?
A. Yes.
64. Q. Was there staging slung under the deck on which you were working?
A. No, sir I don't remember.
65. Q. I believed you testified that over that deck there is staging?
A. Yes, sir. They had what you call horses and staging on top of that.
66. Q. Hand rails were on the staging?
A. Yes.
67. Q. As I understand it, you stepped from your deck to the hand rail staging and then to the next deck and came up?
A. Yes.
68. Q. What would you estimate the distance between the deck and the staging above the hand rails and next deck, the way you came up?
A. One of the horses had a piece on it. Stepped on hand rail. Counting on that I imagine three feet apart.

Examined by interested party, Lieut. Gill:

69. Q. What is the customary procedure regarding fire watches when you start work?

A. We go to the officer of the deck and ask for them.

70. Q. Had you asked for one in the hold?

A. Asked the guys there if a fire watch was wanted and he said there was one down there.

71. Q. You had not asked for a fire watch?

A. Only the place I had been working at previous to that.

72. Q. You had a fire watch at the previous place?

A. Yes, in the laundry.

73. Q. On the job you were working at time of fire you had not requested a fire watch?

A. No, sir. One down there below me.

Examined by the court:

74. Q. You have just stated in your testimony and in view of the wood and cork that you had taken necessary precautions. What precautions did you take, if any?

A. I had my line down there. I stretched it across so the sparks would not roll that way. I was sitting on the deck also so they would not roll under me.

75. Q. In previous work what use have you made of the asbestos blanket?

A. We cover lots of valuable instruments with them. Electric cables and stuff that is inflammable. We cover that so sparks cannot get to it.

76. Q. On this particular job you saw no necessity or desirability for spreading an asbestos blanket underneath the work you were doing to prevent sparks from going below?

A. No, sir. Men working below me burning and welding.

77. Q. Isn't that more reason to use a blanket since men were working below you?

A. Well below me, there was a steel deck. Top of the generators.

None of the parties to the inquiry desired further to examine this witness.

The board informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

Well I think we should while working like this, should complete the steel work and welding before starting other work such as painting, cork work, and wood work. We all know there is a war going on and have to do the best we can.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rate, and present station.

A. Abbot Lutz, seaman second class, U.S. Naval Reserve, Norfolk Navy Yard, Portsmouth, Virginia.

2. Q. What is your present duty?

A. My present duty is Public Relations Photographer, Norfolk Navy Yard.

3. Q. I hand you nineteen numbered photographs, which have been marked for identification as "Exhibits 2" through "Exhibit 20" inclusive. Will you please tell the court if you know who took developed and printed those photographs?

A. I took the entire nineteen, developed them, and printed them.

4. Q. Where did you take those photographs?

A. Aboard the ship that was on fire Thursday night at wet slip number 5.

5. Q. Do you know the name of the ship?

A. I have the name on one of the photographs. I remember it being written on. It is the USS SATURN. I took that photograph with that in mind.

6. Q. What was the time of day you took those photographs?

A. 2100.

7. Q. Where on the ship were they taken?

A. Taken at the exact location where the fire was started. I started at the lower decks and worked my way up until I got to the main deck. I started below decks.

8. Q. As you took these photographs did you make notes of the exact views taken, written notes?

A. No pencil notations. I tried to include every possible portion as I turned around. It was too dark to make any notes.

9. Q. Could you look at a particular picture and tell on what deck it was taken, whether looking fore or aft, and whether you stood on the starboard or port side?

A. I worked under too much confusion and too fast to know that.

10. Q. What type of camera did you use?

A. Four by five Speedgraphic.

11. Q. What type of lighting?

A. Flash light throughout.

The photographs were submitted to the interested parties and to the court and by the judge advocate offered in evidence. There being no objection, they were so received and are hereto appended marked "Exhibits 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19, and 20."

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, residence and check number?

A. Otis W. McGehee, Quartermen welder, 315 Dinwiddie Street, Portsmouth, Virginia, check number 26-3040.

2. Q. Do you have under your supervision, a leadingman welder, by the name of Clifford D. Short, check number 26-133?

A. Yes.

3. Q. To what work was Clifford D. Short assigned on Thursday, 27 April 1944?

A. Number 3 hold, superstructure, engineroom, U.S.S. SATURN.

4. Q. How long had he been assigned there?

A. About two weeks. He reported to me off night work. This is going on the third week.

5. Q. Did Mr. Short at any time, complain to you about hazards involved in the work connected with his trade in hold number 3?

A. Yes, one morning. I went aboard the ship, went down in the hold. He had some clips on Hushell, was standing out and down below the sheeting and wood came up to those clips and he said "I am scared to burn clips off" and I looked and fire would go down behind the bulkhead. I looked for Mr. Leonard and I could not find him. At time I told him to contact Mr. Leonard and before he burnt we would use every fire protection as possible, packing asbestos cloth around it or wetting it. That is the only time he ever mentioned fire hazard to me.

6. Q. Did he ever at that time or at any other time complain in general about fire hazards?

A. No.

7. Q. Had he about number 3 hold?

A. No, sir.

8. Q. Did he ever specifically complain about working welders and burners near the installation of cork insulation?

A. No, sir. Just that one time.

9. Q. Did you know welders and burners were being worked where cork insulation treated with bitumastic compound was being installed?

A. Yes, sir.

10. Q. Do you think that a safe practice?

A. No, sir, I don't.

11. Q. Did you then think so.

A. I did not.

12. Q. Did you do anything about it?

A. We used every fire precaution possible, asbestos blanket, fire depart patrolling, safety men patrolling ship at all times, every fire precaution on job that is possible that I know of.

13. Q. Do you know of your own personal knowledge whether or not any asbestos blankets were used in hold Number 3 on 27 April?

A. I could not say a great big blanket. Was some asbestos down there.

14. Q. Do you know how much?

A. No, sir, I don't. Each individual burner or welder usually carries a small asbestos cloth around. We issue a piece to each.

15. Q. Did you see any welder have that piece?

A. No, sir, I did not that day. I was out of the Yard that day.

16. Q. Previous to that day did you see any?

A. Yes, sir, I did.

17. Q. Who acted in your stead when you were absent that day?

A. Gibson was acting quartermaster. C. R. Dixon was acting quartermaster. D. G. Gibson was actually in my place.

18. Q. I would like to call your attention to Manager's Notice Number 23/42 which has been presented to this court as "Exhibit 1". Have you ever seen a copy of this? (Hands witness Exhibit 1).

A. Yes, sir, each welder and burner and each supervisor receives one of those, and was to sign it and turn back in the file section, and to be filed with the man's jacket.

19. Q. Do you know whether Clifford D. Short received a copy?

A. Yes, sir I had it checked this morning. But at that time I did not.

20. Q. Who would be the legal custodian of the receipt Mr. Short would sign for receiving Manager's Notice No. 23/42?

A. Whoever was his supervisor at the time would have gotten his signature. I do not know who was supervisor at that time. He was not working under my supervision then.

21. Q. Does the supervisor retain the receipt or pass them to some official in the shop's office?

A. They are sent to time section and filed in the man's jacket. I am almost sure that is what is done with them.

22. Q. Which one then is the legal custodian, the time clerk or the personnel supervisor?

A. I don't know. I imagine the receipt is sent to the time section, to supervisor of the time section and he immediately files it in the man's jacket. I don't know that to be in effect.

23. Q. Who is the supervisor of the time section?

A. Kauffman. He is in charge of the time section of X26.

24. Q. Is it present day practice for welders to have at hand two and one half gallons or large soda acid fire extinguishers?

A. No, sir.

25. Q. Or to have at hand asbestos gloves?

A. Yes, if necessary.

26. Q. In all operations?

A. Majority of time unless it got mighty hot it would not

be necessary to have asbestos gloves.

27. Q. Do you know on what authority the use of soda acid type extinguishers has been discontinued?

A. I have not one, you are speaking of individual fire extinguishers the welders use to have, I have not seen one since '35 on the TUCKER and DOWNES. At that time each welder and burner was furnished with one of those fire extinguishers and was held responsible for it.

28. Q. On what authority?

A. I could not answer. I have not seen anything come out cancelling that. But ships in commission furnish fire watches and fire extinguishers. New Construction uses Shop 72 laborers.

29. Q. When did you last inspect number 3 hold before the fire?

A. I checked number 3 hold, Wednesday afternoon, I was out the next day. I came over that evening about quarter to eight or eight o'clock. I was called.

30. Q. Did you note the means of entering and leaving number 3 hold at that time?

A. I went down the wooden ladder.

31. Q. Will you tell the court the total number of ways of leaving the hold under your observation at that time?

A. Two ways. Wooden ladder and steel ladder.

75a 32. Q. When you checked on Wednesday afternoon, was it possible to go down the steel ladder? ~~That was aft. I used the wooden ladder.~~

A. As far as I know, yes. I did not happen to go down the steel ladder. That was aft. I used the wooden ladder.

33. Q. Did you note whether or not there was a steel ladder at either end of the hold?

A. Yes, on the forward end.

34. Q. Was it possible to use that ladder?

A. Far as I know, I think it was possible.

35. Q. Was there ataging in front of that ladder on Wednesday?

A. I would not like to say. Not that I know of.

36. Q. How about the aft ladder.

A. That was all right.

37. Q. Was it possible to use the aft steel ladder?

A. I would not like to say. I do not know. I don't usually use the steel ladder if I don't have to.

38. Q. I direct your attention to photograph which has been introduced as evidence before this court as "Exhibit 6". Do you recall whether staging shown in that photograph was in place Wednesday afternoon?

A. No, sir I do not.

39. Q. Did you pay any attention to means of exit from the hold when you inspected the hold Wednesday?

A. No, far as I know you could use all the ladders. I went up the wooden ladder. Whether the steel ladders were blocked out I could not say.

40. Q. In other words you did not pay any particular attention, you went in, inspected it and in leaving it you did not inspect with an eye in particular on safe means of exit?

A. I did not pay attention to boards being up against the ladder and whether a man could get out or not.

41. Q. If staging had been up against the ladder would you have considered the means of exit as satisfactory and sufficient?

A. No, sir.

42. Q. If the staging had not been against the ladder, would it have been satisfactory?

A. Yes, sir, if every one in the hole did not get panic or scared to death they could have got out by those ladders.

Examined by interested party, Lieut. Lennon?

43. Q. In view of the size of that job and the short availability of the ship in the Yard for that job necessitating working all the trades simultaneously, do you think, in your opinion that all reasonable precautions were taken to prevent fires and protect the men working?

A. Yes, sir.

45. Q. State them please?

A. Fire Department standing by at all times, had safety people patrolling ship, the Fire Department made the rounds every 20 to 30 minutes, and everybody was furnished with a fire watch and a fire extinguisher.

46. Q. You as Quartermaster Welder, do you know of any situation on this ship or any ship that I have worked with you where I have failed to cooperate with any problem that you or your leadingmen welders?

A. No, sir, I will say the Lieutenant has given me the best cooperation. Not a bit of trouble on any of his assignments.

47. Q. Have you had any trouble with the ship in obtaining fire watches or reports from leadingmen regarding the obtaining of fire watches?

A. No, sir.

Re-examined by judge advocate:

48. Q. Can you say of your own knowledge, that is of your own personal observation that the Fire Department made an inspection every twenty minutes, that there were fire extinguishers, that there were asbestos blankets, or other precautions there or are you telling the court information that has been told to you by others?

A. No, sir, I would go aboard that ship two or three times a day or more. I do not take the word of anyone about anything.

49. Q. You observed asbestos blankets?

A. Yes, sir.

50. Q. You observed fire extinguishers?
A. Yes, sir.

51. Q. You observed representatives of the Fire Department making rounds previous to fire?
A. Yes, sir. I am not taking anyone's word for this.

Examined by court:

52. Q. In the absence of fire extinguishers being carried by each welder and burner, how many fire watches would you consider as a minimum for the particular job going on in number 3 hold of this vessel, remembering that there were approximately thirteen men of the welders and burners trade working in the vessel at the time of the fire?

A. I think each man in a hold should have a fire watch unless working mighty close together. Actually welders and burners were working on four levels in that hold at the time of the fire.

53. Q. Previous testimony has indicated that there were definitely one and possibly a second fire watch within that hold. Is that sufficient?

A. No, sir. By all means no.

None of the parties to the inquiry desired further to re-examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then at 11:45 a.m., took a recess until 2:00 p.m., at which time it reconvened.

Present: All members, judge advocate, interested parties, Miss Thelma Markovitz, reporter.

No witnesses not otherwise connected with the inquiry were present.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, check number and residence.

95 a A. Bertil G. James, snapper shipfitter, check number 11-2801; South Mills, N. C.

2. Q. How long have you been a shipfitter?

A. Two Years.

3. Q. How long have you been employed in the Yard?

A. Three years and six months.

4. Q. Were you in charge of the shipfitters employed in the number 3 hold of the SATURN on April 27, 1944?

A. I was.

5. Q. How many shipfitters did you have working in the hold at about 6:20?

A. Three

6. Q. On which deck were they employed?

A. One on the hold deck port side of Frame 129. I also had one at Frames 109 to 112 on the hold deck. I had another working on headers under the tank top; one on the main deck at Frame 106.

7. Q. Did you have any other men under your supervision in that hold?

A. No, sir.

8. Q. How many were killed?

A. One.

9. Q. Where was he working?

A. At Frame 109 on tank top.

10. Q. What was his name?

A. John Ives.

11. Q. Where were you at the time of the fire?

A. Down in number 2 hold.

12. Q. Had you previously inspected number 3 hold?

A. I had come out about 5 minutes before the fire started.

13. Q. Did you examine or inspect number 3 hold with regard to safety conditions such as means of escape, dangerous operations or other safety matters?

A. I did at 4:45.

14. Q. Did you consider the means of exit, in view of the number of men working and the location of the men, adequate?

A. At 4:45, yes. It led to three exits.

15. Q. What were those three?

A. A ladder at the forward end of third hatch; a ladder at aft end and a temporary ladder on the starboard side of number 3 hold.

16. Q. Do you know of your own knowledge whether all three of these means of exit could be used?

A. At the time, 4:45, yes.

17. Q. Was there any staging erected at the permanent ladder aft at that time?

A. If you consider that a staging on the aft end, yes.

18. Q. Did you inspect whether or not these boards were removable?

A. Yes.

19. Q. Were they?

A. Yes.

20. Q. How about the permanent ladder on the forward end?
A. The deck plate on the forward end was not installed until after the day shift quit.

21. Q. Did you have similar work going on at number 2 hold at the time?
A. Yes.

22. Q. What were your shipfitters engaged in doing in number 3 hold?
A. All of the shipfitters I had there - one was putting on headers under pipe stanchions for new cargo deck; one at frame 129 was working on pipe tunnel; one at frame 109 was working on engine room foundations; one on the main deck at frame 106.

23. Q. Do you know of your own knowledge what means of exits were available at the time of the fire?
A. Two exits.

24. Q. Those were?
A. On the aft end of the hatch, one permanent ladder and the other a temporary wooden ladder.

25. Q. Were there any possible openings to other compartments to get through?
A. No, I was waiting for the drafting room to give me a plan for a hatch opening.

26. Q. Could a man have escaped by climbing up on the staging?
A. Yes, on the forward end of the hold.

27. Q. Could a man have escaped by going into the pipe tunnels?
A. No.

28. Q. Why not?
A. Because that is watertight pipe tunnel from bulkhead 115 to 130.

29. Q. Does 115 to 130 describe the limits of the hold?
A. No.

30. Q. What is the number of the forward bulkhead and aft bulkhead of the hold?
A. 104 forward and 130 aft.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the investigation which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank and present station.
A. J. Howard Brannan, Captain, Medical Corps, U. S. Navy Retired, attached to and serving at the Navy Yard Main Dispensary.
2. Q. Were you called at the Main Dispensary on the evening of April 27th?
A. I was.
3. Q. While on duty there, did you have occasion to view a number of dead bodies?
A. I did.
4. Q. In your opinion, what was the cause of death of the persons you viewed?
A. Asphyxiation from the fire on the SATURN.
5. Q. Did you identify and assist in identifying the dead persons?
A. I identified from their check numbers, from papers on their bodies and compiled a list which was submitted to supervisors or leadingmen from the shops indicated from those check numbers, and identified the individuals as being the civilian employees identified by their photographic badges.
6. Q. Do you have with you a list of the names of those persons?
A. I have. Here it is.

This list was inspected by the interested parties and by the court, and the court directed that an entry be made in the record at this point that the fifteen names and check numbers on the list submitted by this witness were the same as those of the bodies inspected and identified by the court and attending civilians on the first day of the inquiry.
7. Q. Did you have occasion to treat a number of patients for injuries received from the fire on board the SATURN?
A. I did, as certified by the list of certain civilian employees and one Naval personnel treated at the Dispensary and transferred therefrom to the Naval Hospital, Portsmouth, for treatment.
8. Q. Would you please read the list of names of the persons injured?
A. Perry Butts, 72-1691 - 368 Duke Street, Norfolk, Va.
William Cherry, 72-3959 - 1237 Glasgow Street, Portsmouth, Va.
Worley H. Corvin, 26-5020 - 525 Wythe Street, Portsmouth, Va.
Willis Cowan, 72-4335 - 748 Caroline Ave., Portsmouth, Va.
Melvin Davis, 72-4048 - 4436 Elhorn St., Norfolk, Va.
Forest E. Dougherty, 26-751 - 305 George Washington Highway, Portsmouth, Va.

George Spence, 72-1603 - 611 Pine St., Portsmouth, Va.
Charles L. Edwards, 61-2131 - 609 Landing St.,
Portsmouth, Va.
William H. Light, 11-2421 - 201 Dorset Ave.,
Alexander Park, Portsmouth, Va.
Boyce Nichols, 26-3028 - Malvern Hill Apt. 4,
Portsmouth, Va.
James L. Robertson, 72-3428 - Box 117, West Norfolk, Va.
James R. Sanders, 72-3510 - 2619 Middle St., Norfolk, Va.
Will Simmons, 26-5764 - 209 Armistead Trailers,
Portsmouth, Va.
Dorsey R. Slaughter, 26-6446 - 681 Dorset Ave.,
Portsmouth, Va.
Tommy Staples, 11-5366 - South Mills, N.C.
Louis T. Stone, 26-2567 - 361 Belmont Ave., Portsmouth,
Va.
Clifford Short, 26-163 - RFD Box 137, Strable Trailer
Camp, Portsmouth, Va.
Paul Tarpley, 61-211 - 1626 Willoughby Ave., Norfolk, Va.
Harry M. Williams, 72-764 - 909 Lancaster Ave.,
Norfolk, Va.
William C. Witherspoon, 26-2153 - 29 Arlington St.,
Portsmouth, Va.
Edgar Burgess Johnson, pharmacists mate second class,
U.S. Naval Reserve, attached to Norfolk Navy Yard.

All showed asphyxiation or equal to same, incident to smoke, carbon monoxide and various gases generated in the fire and to which they had been exposed prior to being brought to the dispensary. No serious other injuries were present, no fractures or intercranial injuries. All except three were definitely associated with asphyxiation. Twenty cases were transferred to the hospital and I think nineteen of those were released within twenty-four hours to the observation of the Main Dispensary but none permitted to return to work under three days.

9. Q. Were any persons other than those treated at the Yard Dispensary hurt?

A. Not to my knowledge.

10. Q. Would it be possible to tell whether or not the death of the deceased persons was caused or contributed to by propane or acetylene gas rather than fumes from wood, cork or other combustible material?

A. Not from any examination made at the dispensary. That simply established the presence of carbon monoxide in the blood of about ten victims ranging from 55 to 95 percent carbon monoxide saturation of the blood hemoglobin.

11. Q. Would these percentages be sufficient to cause death?

A. Yes.

12. Q. Do you know whether or not a doctor or medical officer rode the ambulance which followed the fire equipment to the fire as a matter of course?

A. From knowledge, no. But medical officers respond to a call immediately after it is sent in. Whether they went in that particular ambulance or not, I cannot say.

13. Q. Is it the practice in the Yard for a medical officer to ride in each ambulance sent to the scene of a fire?

A. No. The medical officer rides any ambulance a call for which indicates the necessity therefor or in case a medical officer is specifically requested by the individual sending in such call to the Dispensary.

14. Q. Do all ambulances dispatched to the scene of the fire in the Yard carry inhalators?

A. Yes, E.N.J. resuscitators.

15. Q. Are the corpsmen accompanying ambulances instructed in the use of them?

A. Yes, both by the Medical and Fire Departments. There is one fallacy in that - there are times when that instruction is given in case a corpsman is received between times and he might not receive such instruction immediately upon reporting.

16. Q. Before being rated a corpsman, is that included?

A. Not specific instruction in the use of inhalators or resuscitation apparatus. It is required that they be conversant with approved methods of manually applied artificial respiration.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court was cleared.

The court was opened.

Clifford D. Short, a previous witness, was recalled and advised that the oath previously taken was still binding.

Examined by the judge advocate:

1. Q. How many gas leads did you have at the time of the fire running into hold number 3 on the SATURN, the type and number?

A. Two were in use and connected up. More were in the hold but not connected.

2. Q. By not being connected, where were they shut off?

A. At the tanks.

3. Q. What sort of gas leads were they?

A. Acetylene.

4. Q. What precautions, if any, were taken against leaks in the gas lines while the work was going on?

A. I believe the burners check leaks by drop on the gauge. With propane we use a candle. With acetylene we don't do that.

5. Q. Is there any standard method other than checking on the valves to determine whether there is a leak in the gas line?

A. It is common habit among burners in the mornings to check the line.

6. Q. Do you know whether such checks were made at any time during the day?

A. I believe most of the burners did that morning.

7. Q. After the fire started and the burners dropped their instruments, do you know when, by whom or how the gas was shut off from the burning instruments?

A. No, I do not know.

8. Q. If a man dropped his instrument, would it continue burning?

A. Yes, if he did not cut his valves off?

9. Q. What would he have to do?

A. Go to the dock at the tank if not at the instrument.

10. Q. Do you know whether or not any one cut the valves off at the tank?

A. Yes, Mr. Worley, cut the tanks off.

11. Q. In your previous testimony, you stated there were three burners located in number 3 hold. Were there two or three lines operating?

A. Two lines.

12. Q. What was the third burner doing?

A. Tack welding.

13. Q. Where were the gas bottles located being used by the burners?

A. On the dock opposite the aft end of the ship.

14. Q. If there were two burners operating, would there be four leads in to the hold, one of acetylene and one oxygen for each burner?

A. Yes, one of each.

15. Q. Do you know whether or not the other lines not in use were shut off at the dock?

A. Yes, they were.

16. Q. How do you know that?

A. Because it is impossible for a man to remove his torch unless he does.

17. Q. In your previous appearance on the stand Saturday, you were shown a copy of Manager's Notice No. 23/42 and you testified that you had not received a copy of this Notice. Will you so now testify according to your best recollection?

A. I asked about that date and I understood we had signed for that pamphlet when we came into the Yard. I understood on Saturday that I was given one of those at the time I was made supervisor.

18. Q. Then your testimony on Saturday, when you said you had never seen a copy of the Notice, was incorrect?

A. I still have no memory of receiving that pamphlet, as in my previous statement.

19. Q. I show you a slip of paper. Will you tell the court whether that is your signature?

A. Yes, that is my signature.

20. Q. Would you read that to the court, please?

A. (The witness read the paper.)

21. Q. Is this slip of paper signed by you a completed copy of the receipt attached to the copy of Manager's Notice No. 23/42?

A. Yes.

The receipt was submitted to the interested parties and to the court and by the judge advocate offered in evidence. There being no objection, it was so received and is hereto appended marked "Exhibit 21".

22. Q. When you signed that receipt had you read Manager's Notice No. 23/42?

A. Yes, I read it if I signed for it.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was again warned and withdrew.

The court was cleared. The court was opened and all parties to the inquiry entered.

At this stage of the proceedings it appeared to the court that Lieutenant Henry P. Gill, U. S. Naval Reserve, and Lieutenant Ernest D. Lennon, U. S. Naval Reserve, interested parties, were defendants. Each was accordingly advised to that effect and of the testimony that seemed to implicate him. Each again stated that he did not object to any member of the court and did not desire counsel at this time, and was informed of his rights.

It also appeared to the court that Clifford D. Short, Norfolk Navy Yard, check number 26-133, was a defendant. He was accordingly called before the court and advised to that effect and of the testimony that seemed to implicate him. He examined the precept, stated that he did not object to any member of the court and did not desire counsel at this time, and was informed of his rights.

The court then, at 4 p.m., adjourned until 9:30 a.m. tomorrow.

FOURTH DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Tuesday, 2 May, 1944.

The court met at 9:30 a. m.

Present:

Captain William D. Brereton, Jr., U. S. Navy, president;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members; and
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate.

Ralph J. Underwood, principal clerk-stenographer, Norfolk
Navy Yard, reporter.

Lieutenant Henry P. Gill, U. S. Naval Reserve, defendant, and
Lieutenant Ernest D. Lennon, U. S. Naval Reserve, defendant.

Lieutenant Ernest D. Lennon, U. S. Naval Reserve, defendant,
with the permission of the court introduced Captain Fred B.
Britt, U. S. Navy, and Captain Dale Quarton, U. S. Navy, as
his counsel.

The reading of the record of proceedings of the third day
of the inquiry was begun.

Clifford D. Short, Norfolk Navy Yard, check number 26-133,
defendant, entered.

The reading of the record of proceedings of the third day of
the inquiry was recommenced, and the entire record of proceedings
for the third day of the inquiry was read and approved.

Lieutenant Ernest D. Lennon, U. S. Naval Reserve, defendant,
requested that his counsel be furnished a transcript of all
previous testimony taken in the inquiry and that the court be
adjourned until the next day, Wednesday, 3 May, 1944, in order
to permit his counsel to review such testimony. The court
granted this request.

The court then, at 10:35 a. m., adjourned until 9:30 a. m.,
Wednesday, 3 May, 1944.

FIFTH DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Wednesday, 3 May, 1944.

The court met at 9:30 a. m.

President:

Captain William D. Brereton, Jr., U. S. Navy, president;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members, and
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate.

Ralph J. Underwood, principal clerk-stenographer, Norfolk
Navy Yard, reporter.

Lieutenant Henry P. Gill, U. S. Naval Reserve, defendant;
Lieutenant Ernest D. Lennon, U. S. Naval Reserve, defendant,
and his counsel; and

Clifford D. Short, Norfolk Navy Yard, check number 26-133,
defendant.

The record of proceedings of the fourth day of the inquiry
was read and approved.

Clifford D. Short, a defendant, asked permission to introduce
Ralph H. Daughton, attorney-at-law, Norfolk, Virginia, as
his counsel on Friday, 5 May, 1944, and further requested that
his counsel be permitted to examine a transcript of the
testimony previously taken in the inquiry.

The court was cleared. The court was opened and Clifford
D. Short, defendant, was informed by the court that his
requests were granted.

No witnesses not otherwise connected with the inquiry were
present.

A witness called by the judge advocate entered, was duly
sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank, and present station.

A. Lieutenant Commander Thomas Alfred Marshall, Jr.,
U. S. Naval Reserve, commanding officer, USS SATURN.

2. Q. How long have you been commanding officer of the
USS SATURN?

A. Since December 15, 1943.

3. Q. Please describe the construction of the USS SATURN
to the court?

A. The USS SATURN is a cargo vessel of the Navy designation
AK-49, formerly a German cargo vessel built for a South Atlantic
run acquired by the Navy in 1942. She is now in process of
being converted from an AK to an AF. Gross displacement
tonnage 9,850 and she is 424 feet in length overall, with four
holds, two forward of midship and two aft of midships.

4. Q. When did the USS SATURN arrive in the Navy Yard?

A. At about 1800 on 12 April, 1944.

5. Q. Have you been absent from the ship on leave subsequent to arrival in the Navy Yard?

A. I have.

6. Q. When did you go on leave?

A. I left the ship at about 1500 on 18 April, 1944.

7. Q. When did you return?

A. I returned on board on Friday morning, 28 April, at about 9:30 a. m.

8. Q. Will you please tell the court the character of work to be performed in the Navy Yard with particular reference to the work to be done in number 3 hold of the USS SATURN?

A. Number 3 hold originally was a plain cargo hold. It included an upper 'tween deck level only and the large lower hold. The only wood installation in that hold and for that matter in the other holds was wooden decking in the lower hold and the sweat boards on the side of the hold and between deck levels. The work to be done on the ship in this hold included the installation in the bottom forward portion of the hold forward at frame 115 of a Diesel generator room including installation of Diesel engines, two refrigeration compressors, and their companion pumps. In addition there was to be installed a lower 'tween deck level approximately half way between the present second deck level and bottom of the hold. All the spaces in the hold were to be insulated. The insulation specifications I would not go on record for specifically since that may be obtained definitely from other sources. In general the purpose was to convert the hold to a refrigerating cargo hold reducing the size of the hatches and making the hold available for refrigerated cargo, chilled goods in the upper 'tween deck level and frozen meat in the lower 'tween deck level and bottom hold.

9. Q. What was the availability of the ship for the entire repair work?

A. The availability of the ship for this repair was until the 27th, I believe the 27th of June. I would like to say here the actual dispatch covering the availability came at the time I was on leave. The general understanding was the ship would be in the Yard for about sixty days, probably a little more but the actual dispatch did not come until I was on leave and I have not actually seen it so that the date in my mind is a little questionable. It may vary a few days either way.

10. Q. When did work on the ship commence?

A. Work on the ship commenced on the morning of April 13th.

11. Q. Did that include work in number 3 hold?

A. Earlier work in progress on the ship was of necessity a cleaning out of the holds. Removing the sweat boards, preparing the hold for installation of insulation.

12. Q. How far had the work in number 3 hold progressed when you went on leave?

A. At the time I went on leave the lower 'tween deck level that was being installed was almost complete. The aft bulkhead being installed for the new Diesel generator room was complete. The foundations for the Diesels and

and machinery in that space had been installed, and a considerable amount of insulation in the upper level had been completed.

13. Q. By insulation do you refer to rock wool insulation, cork insulation, or both?

A. Both.

14. Q. Had any of the wooden sheathing been applied to the bulkhead?

A. Some of the wooden sheathing had been applied to the bulkheads. I don't recall definitely whether the wooden deck had been laid over the cork or not.

15. Q. Did you observe welding and burning being done in number 3 hold?

A. I did.

16. Q. Did you observe whether or not such work was being carried on simultaneously with installation of cork insulation or lumber sheathing?

A. I did notice welding going on at the same time cork and wooden sheathing was being laid in the holds but I would hesitate to say definitely whether that work was going on simultaneously in number 3 hold.

17. Q. Then to the best of your recollection you cannot remember whether you observed welding and burning going on at the same time cork and lumber was being installed?

A. I did see welding and burning going on at the same time as cork was being laid, but I can't say definitely whether that was true in that particular hold. The hold in question.

18. Q. Is that the practice in other holds?

A. Yes, in remote ends of the hold. In other words while cork and insulation was being laid at one end of the hold there were some welding and burning cutting operations going on at opposite ends of the hold.

19. Q. Article 898 of Naval Regulations describes procedures for a commanding officer to follow in case of unsatisfactory work being carried on aboard ship. Have you had occasion to object to work going on aboard the U.S.S. SATURN?

A. In my interpretation of this article I have not.

20. Q. Did you observe that bitumastic primer or other material was being applied to cork before the cork used for insulation was actually installed?

A. I did.

21. Q. Did you have occasion to observe whether or not welding and burning was going on at the same time the primer was being applied to the insulation in the same hold?

A. That is rather difficult question for me to answer. Many times in inspecting a job you notice that little items are going on and if they are proceeding satisfactorily do not always register in your mind other than "proceeding satisfactorily" and I did not pay particular attention to that detail you mention. Therefore, I would hesitate to go positively in the record by stating I did, or did not see such work progress simultaneously.

22. Q. Were you satisfied that procedures used in forwarding the work on board the USS SATURN was proper and safe?

A. At time work started the question of welding in the holds at the same time cork and bitumastic was being laid and necessary joiner work being done in the hold, I considered it to be a hazardous job, and discussed the question with the ship superintendent. However, my own reactions were that in order to complete the job in the required time that was allotted to the Yard, you must understand that it was a tremendous job undertaking, that is, to completely convert the ship in the period of approximately two months. There is an urgent need for refrigerated cargo ships in the fleet, the country is at war, and at times of war it is necessary to accept certain risks which normally in peace time would not be accepted. The ships in the fleet carry ammunition as cargo which under peace time such a risk would not be taken. The carrying of ammunition would be left strictly to ammunition carriers or ships suitable. And I felt the risk involved here was one, under the conditions, acceptable. I believe that was the general trend of opinion among the other activities connected with the job or involved in the conversion. In order to make the risk a little more acceptable we established on the ship, in conjunction with the ship superintendent, additional precautions against fire. Precautions which to my recollection and to my experience in navy yards and civilian ship yards on the east coast were beyond the precautions taken in any other instance that I know of. We obtained the services of a fire marshal to make an inspection of the ship approximately twice a watch. Possibly a little more often. Those details were arranged by the ship superintendent and the ship's force. I won't say at whose suggestion. It was a question of complete interchanging of ideas between the fire people, the ship superintendent, and the ship but the following things were definitely done. Hose with water up to the nozzle was let out and down into each hold. Twenty-five additional water-type fire extinguishers were provided and distributed throughout the three holds that work was proceeding in. The ship established and still has assigned to each hold one permanent fire watch which was entirely apart from the watches that the Yard normally requested. He was more or less a roving fire watch within that hold. Even though welding and burning were not in progress we had one man there to cover the hold anyway. All fire watches on the ship were always taught to take a CO₂ fire extinguisher with them in addition to the water fire extinguishers that actually were in the holds. The safety marshal also was asked to make more frequent inspections of the ship from a safety standpoint. There was also furnished to the ship by the Yard an additional quota of laborers, I believe from Shop 72 for the purpose of cleaning. Those men were constantly cleaning the rubble as fast as it accumulated in an effort to keep the holds clean and free from empty cartons, the rubble and dust from the cork and any other items. The surplus insulation was stowed primarily in number 4 hold in which no work was in progress. Surplus lumber was stowed on the main deck and handed down as needed. To the best of my knowledge there were never more than three or four bundles of cork in a location in which workmen were installing the cork at any one time. Those bundles consist of only six slabs of cork, very small and in little bundles. In my opinion there was no excess cork kept in the hold. Also frequent inspections made by the ship's officers, myself when I was on board, the executive officer, the officer of the deck, and the duty head of department.

The watches at night, particularly, since in the daytime a great many of us were constantly moving about the ship, observing the work. At night we had established as a procedure of having as junior officer of the watch a first class or chief petty officer. The purpose of that being to permit the officer of the deck to feel free to move about the ship and make inspections and still have the gangway protected. That was done in several specific instances I know of. And it worked to advantage of the ship as well as the Navy Yard because it permitted a greater ease of cooperation and allowed us to establish watches as necessary with the greatest facility and greatest speed.

23. Q. How many fire watches were assigned to each hold, specifically if you recall the number assigned to number 3 hold?

A. I don't have the figures on the number of fire watches that were assigned to number 3 hold. The normal procedure, in addition to the one permanent watch we kept in the hold at all times, the normal procedure was for the Yard to request of the officer of the deck for so many fire watches for so many welders. The officer of the deck obtained and stationed those fire watches and kept a record or personal memorandum where changes were made so he could pass on to his relief the status of the fire watches. Those memos were naturally just to assist the officer of the deck's memory and I don't believe those have been retained. To the best of my knowledge those fire watches were furnished when and as requested.

24. Q. Were the fire extinguishers both water type and CO₂ tested?

A. The CO₂ fire extinguishers each have a seal on them at the time they are filled. As a matter of fact, we had expended a considerable number of those at a minor electrical fire shortly after arriving at the Yard. A great number of those actually in use had been recharged by the Yard and resealed. Our normal procedure for testing CO₂ fire extinguishers is to weigh them normally once a week. A record that CO₂ fire extinguishers have been tested appears on the hull reports of various divisions which is the permanent record of the ship. Water-type extinguishers were filled with water. I understand that several of those were used at one time or another with success. The ship had established no testing procedure for the water-type extinguishers other than to see that water was in the cans.

25. Q. Did you have occasion to observe whether or not the painters prepared the cork insulation considerably in advance of the joiners?

A. To my recollection, or in my opinion, the preparation of the cork floor laying by the painters was not done considerably in advance. It of necessity had to be prepared a short time in advance of the joiners laying the cork but I would not say the time on this particular job was considerable.

26. Q. Did your ship on arriving at the Navy Yard receive a file from the Captain of the Yard's office containing among other things information and instructions concerning the Navy Yard and procedure to be followed with regard to work done in the Yard?

A. We received a file from the pilot who was assigned to dock the ship in the Yard.

27. Q. Did you inspect that file?

A. I did not inspect that file thoroughly.

28. Q. I hand you a copy of Manager's Notice 23/42 which has been marked as "Exhibit 1". Will you tell the court whether you have seen a copy similar to this before?

A. (Witness examines "Exhibit 1".) I don't recall having seen it although I may have. It appears to be primarily instructions to one of the shops within the Yard and as such my perusal of it in view of the considerable amount of work I have to do would consist of a brief scanning to see if the ship was particularly affected by the order. I only notice the ship is required to furnish fire watches which to the best of my knowledge was done when requested.

29. Q. I direct your attention to section 1536 of Naval Regulations. Would you please tell the court whether or not you designated assistant ship inspectors in accordance with that article in the Naval Regulations? And, if so, whom did you designate for hull work?

At this stage of the proceedings it appeared to the court that Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval Reserve, had an interest in the subject matter of the inquiry. He was accordingly advised to that effect and that he would be allowed to be present during the course of the inquiry, examine witnesses, and introduce new matter pertinent to the inquiry in the same manner as a defendant. He examined the precept, stated that he did not object to any member of the court, and that he did not desire counsel.

The judge advocate continued his examination of the witness, and the previous question was repeated:

29. A. I will answer the question as I feel the purpose of the investigation is to find what happened and prevent future reoccurrences. Answering the question directly will state that in accordance with this article the commanding officer of the ship is general inspector of the ship. It is one of those responsibilities that cannot be put on the shoulders of other people. The designation of assistant inspectors on the ship in the case of conversion was not made definitely in writing or verbally. However, at the time a work list was submitted to the Yard, there was at the end of each item on the work list the name of an officer, and in most cases either another officer or petty officer, who was responsible for inspecting that work. In my opinion, if I am permitted to express an opinion, my interpretation of this article has been of requiring by the commanding officer of an inspection of the work done on this ship from the standpoint of the feasibility of it and the actual mechanical details, and I never in the past considered this article as connected with safety precautions or fire prevention, since those are covered in another part of the Naval

Regulations. As far as conversion went, I have been in on a lot of the design end of conversion myself, and have been very close to that job, a lot closer than might be expected and have kept in constant touch with the planning and production division. I was with the design section in the original preliminary planning and I was in Washington with the conversion section on a conference at the time the instructions regarding the conversion were written, and I have felt as far as conversion goes that of the majority of inspecting work in that connection, I would attempt to handle myself for I was particularly interested in it. Such details as came up from time to time would be referred as they came up, to the heads of departments involved or executive officer, or others in the ship's company directly involved in the items of work.

30. Q. Who was the officer whom you designated from the ship to be in charge of hull work?

A. First lieutenant of the ship by virtue of his assigned duty to the ship, in charge of all hull work.

31. Q. What is his name?

A. Lieutenant (jg) Pierce, Franklin D., U. S. Naval Reserve.

32. Q. Do you know whether or not Lieutenant (jg) Pierce was aboard the USS SATURN at the time of the fire?

A. Lieutenant (jg) Pierce left the ship on ten days leave on 17 April. He was not due back until 8 o'clock on the morning of the 28th. To the best of my knowledge he had not yet returned. I believe I recall a log entry on the morning of the 28th or late the night of the 27th. I am not exactly sure.

33. Q. Lieutenant (jg) Pierce then left the ship on leave before you did?

A. That is right.

34. Q. Whom did you designate in his place to be in charge of hull work?

A. Lieutenant Gill was to handle the supervision of the hull work.

35. Q. Would you describe to the court number 3 hold before alterations were commenced and as it was expected to be upon the completion of alterations giving approximately areas, various flat levels, and installations of new deck levels?

A. Prior to the commencement of work in number 3 hold which is located just aft the midships house, consisted of one 'tween deck level extending from frame 110 to 125. The area contained a hatch approximately 18 x 35 feet and had a total volume of about 18,500 cubic feet content. Width of the ship at this point is very close to 55 feet. Maybe 52 or 53. The lower hold extended from frame about 105 to about 130 and had a cubic feet content of about 68,700 cubic feet.

36. Q. What is the frame spacing in this vessel?

A. Approximately 2-1/2 feet. It must be realized that this is a German vessel and frame spacing is of odd dimensions in addition to that certain sections of the ship frame spacing differs from spacing in other sections. I can obtain exact

dimensions of frame spacing from certain records aboard ship. The height of the overhead 'tween deck space is approximately eight feet. The height or depth of the hold is about 23 feet. The sides of the hold were lined with timber sweat battens and floor of the hold was decked with wood. That I believe completes the general picture of the hold as it was originally. The plan with respect to this hold was to insulate the present 'tween deck, reduce the size of the hatch both in the main deck level and on the second deck level to about 18 x 20 feet installing the blower room on the second deck level at the forward end on the plated overhatch between frames 110 and 115. The plan called for installation of a platform deck or lower 'tween deck about half way down in the hold. The platform deck to have a hatch opening corresponding to the two above it, that is 18 x 20 feet. The lower hold was to be modified by installation of a thwart-ship bulkhead from bottom of the ship to new lower 'tween deck level at frame 115. Within the space forward of this bulkhead were to be installed two, 375 KW Diesel generators, two refrigerating compressors and corresponding pumps. The aft section of the hold from frame 115 to 130 was to be insulated and to include a piped tunnel on each side for fuel oil and ballast piping to after fuel oil tanks. The insulation of the sides of the hold was to be mineral wool, sheathed with kiln dried lumber. The decks, as I recall, were to be insulated with about 8 inches of cork covered with kiln dried lumber and sheathed in metal. A metal gutter was to be installed around the outer edges of the 'tween deck level for drainage purposes. The upper 'tween deck was intended for use as a chilled space with temperature control of about 35 degrees. The two lower levels were to be used as a meat storage or frozen storage spaces with temperatures down to about 15 degrees. The refrigeration units were freon type refrigeration units and the two lower levels were to receive their refrigeration through coils to be hung in those spaces. Access to the new generator room at the lower level was to be obtained through a trunk located between frames 104 and 105 from the second deck level which was the present electrical work shop. I think that is all I can tell as to the general picture.

Examined by Lieutenant Lennon, a defendant:

37. Q. Do you know whether or not the risk of working this job with trades working simultaneously was accepted by the Yard and Commander Service Force when the availability was set for the ship and the ship ordered to this Yard?

A. There is nothing to my knowledge in writing or any specific orders as such accepting the risk. However, it is my impression the Yard was willing to accept the risk and also the Staff Material Office of Service Force.

38. Q. What has been your experience in dealing with the ship superintendent Lieutenant Lennon from the standpoint of cooperation with you as commanding officer and other officers of the ship?

A. I have found Lieutenant Lennon to be one of the most cooperative ship superintendents I have ever worked with. I might say here, I have been in the Boston Navy Yard for a major overhaul, in Charleston Navy Yard for conversion, and in my opinion Lieutenant Lennon is one of the most cooperative ship superintendents I have ever come in contact with.

39. Q. Did it appear to you that Lieutenant Lennon recognized that a hazardous job was underway and took appropriate steps to provide extra protection against fire?

A. I can answer that question with a flat "Yes". But I would like to explain at the time Lieutenant Lennon came back from leave which I believe was Saturday morning, if I recall correctly, the work had been in progress, cleaning out work in progress, for several days, and at that time Lieutenant Lennon took immediate steps to consult with the ship, production officer of the Yard, fire marshal and safety officer to establish additional precautions. In my opinion the precautions that were taken were greater than any I have ever seen taken on any ship before.

40. Q. Do you recall if Commander Wakeman, the Hull Superintendent, came aboard and inspected the work in progress in the holds of the vessel before you went on leave?

A. He did sir.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

None, other than before I went on leave I was very keenly conscious of the hazards in the ship and as I said we went to additional precautions but I did notice in my inspections, that the Yard civilian workers seemed to have a very keen interest in the job. So unusual I remarked about it on several occasions. The cleaners from Shop 72, I took note that they were extremely diligent in cleaning the rubble from the holds as fast as it accumulated. I made frequent inspections myself during the day time before going on leave. I mentioned to several of the officers that it appeared the job was getting on pretty well, satisfactorily as could be expected, but I wanted to caution them to keep doubly alert for fire. That was their biggest concern. I made that mention specifically I know to Lieutenant Schmidt who was officer of the deck at time I left the ship on leave. I can't think of anything else within my absolute knowledge that might throw any light on the inquiry.

None of the parties to the inquiry desired further to examine this witness; the witness took his seat as interested party.

The court then at 11:30 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the parties to the inquiry, Captain Dale Quarton, U. S. Navy, counsel for Lieutenant Ernest D. Lennon, U. S. Naval Reserve, defendant, and Miss Thelma Markovitz, reporter.

No witnesses not otherwise connected with the inquiry were present.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, check number and residence.
A. Harry M. Williams, leadingman laborer, Shop 72, check number 72-764; 909 Lancaster Street, Norfolk, Va.
2. Q. Where were you working on the evening of April 27th?
A. On tank number 7 at number 3 hold, port and starboard on the SATURN, berth 32.
3. Q. Were you in charge of all the laborers working in there?
A. Yes, sir.
4. Q. How many did you have?
A. Ten and myself.
5. Q. Please tell the court, if you can, just where they were at work in the hold at the time of the fire, with reference to deck level, fore and aft, port and starboard.
A. I was assigned to this hold and this number 7 tank in hold 3 formerly was a fresh water tank and it was being changed to an oil tank. It had a lot of cement at the bottom and I was assigned to break up the cement and clean it out and scale the bottom. It had to be very clean, because it was to be turned into oil. When the whistle blew for 5:15 we went to the check room to check out hammers. When we got down into number 3 hold we found it necessary to clean out the cement before starting to scale the bottom. All the men were in the tank but three. They were to stay on the top to receive the concrete after it was being passed out by the seven men in the tank. Before we got started this fire happened, on the second deck from the bottom of the ship. The men were in the tank. I saw the fire before anybody else saw it. I yelled up to the fire watch and yelled "Fire". He got up and rushed over and before he could put a stream on it, it had flamed up. I did not see the men any more after that. I ran up to the second deck and I looked back and saw my men who had been in the tank and I told them to hurry up and get out. Everybody was so excited they did not have sense enough to tell the rest of them to hurry. I escaped the second time and looked back and saw this boy in my gang look like he did not know what to do. I went down to try to get him, and as I did there was no escape for us.

6. Q. How many of your men were killed?
A. Two.

7. Q. Where were you standing when you saw the fire start?
A. The fire was on the starboard side. I was on the port side standing over the manhole, center port manhole, on the bottom.

8. Q. On what material, if you know, did the fire start?
A. I could not say. When I looked the fire was going. It seemed to be cork. This cork is around three feet long and two feet wide.

9. Q. Did you actually see the fire start?
A. I saw it when it first kindled.

10. Q. What kindled it?
A. From where I was standing it was either from welding or burning sparks.

11. Q. You saw sparks coming down the hold, light on the pile of material and then flame up?
A. Yes. When I first noticed it, it was on each one of those pieces of cork, just starting.

12. Q. Where on the pile of material?
A. On the end of the cork exposed to the hold.

13. Q. Did you see the sparks come down the hatch opening?
A. Yes.

14. Q. Can you tell the court whether they came from the extreme top of the hatch opening or whether from another level?
A. I could not say. I could only see them fall. I do not know from what level they were coming.

15. Q. How did you and the men you went to find escape?
A. I saw there was no escape. In one part of the hold they are making a generator room and there are two Diesel motors in there and it is partitioned off from the main hatch where the fire was. It is a little manhole. That is where all of my men were, and it would have been better for them than to have been burned up since there was no way out. At that time the lights went out. Three or four white fellows were in the fire and I got them and brought them back. My men and these other white fellows ran out there also. When we got back and saw no way out I held them back and did not let them out. When they got quiet I crawled out trying to find the air hose so I could get some air. I was pretty sick by then and that is all I remember.

16. Q. Was there any way out of that Diesel pump room?
A. No. There was an iron ladder on the forward end of the hold, but they blocked it up to this other deck.

17. Q. Was there a steel ladder running up the aft end of the hold?
A. Yes. That was closed also.

18. Q. Where was that closed and how?

A. On each end of that hold there was a steel ladder. When they put the decks in there they covered it. The ladder was from the bottom deck to the other deck and you could not go from the bottom to the top because the other deck was there.

19. Q. Was the aft ladder covered over with a wooden staging or was it steel?

A. It was steel.

20. Q. The first time you attempted to get out, what progress did you make?

A. I went to the deck where the fire was. I could have gotten out that way, except for seeing this boy.

21. Q. How could you have gotten out?

A. I could have climbed up on welders' cable and air hose.

22. Q. How did you get to the level above the bottom?

A. By climbing up. The ladder was the first thing that caught. I went up the ladder the first time and the next time I climbed on cable.

23. Q. How many attempts did you make to get out of the bottom hold?

A. Two. I went up twice and came back twice.

24. Q. What ladder did you use the first time you went up?

A. The wooden ladder.

25. Q. Where was that situated?

A. On the same side that the fire started. Aft in number 3 hold on the starboard side.

26. Q. The second time, how did you go up?

A. The second time the wooden ladder was afire and I crawled up the cable.

27. Q. Why did you come back the second time?

A. Because I was not sure the men understood what I said, for them to come out of the tank.

28. Q. Could you have gotten out both times?

A. Yes.

29. Q. As soon as you called to them that there was a fire, if they had started immediately could they have gotten out both times?

A. I do not think so. It happened so quick.

30. Q. Those men working in the tank, were they working right at the manhole?

A. They were scattered in these pockets. They had difficulty in getting out due to limber holes all along the way.

31. Q. How was this tank divided?

A. It was thirty-two stretches long, two pockets to a stretch, 32 port and 32 starboard. Each pocket was divided by those bulkheads.

32. Q. Were there other men employed in the bottom of the hold who were not in the tank?

A. There were some tank testers up forward, but I could not see if they were in the tank or not.

33. Q. In your opinion, could they have gotten out if they had started immediately as soon as they were told of the fire?

A. In my opinion, yes.

34. Q. So far as you know, how many ways were there of getting out of the hold?

A. Only one way unless we climbed the cable or air hose. When I went back the second time I could not get out again.

35. Q. Was there any staging or rigging so situated that one could have climbed up on it?

A. No.

36. Q. Were there any welders or burners working on the bottom?

A. I could not say.

37. Q. As a laborer's gang would your men handle any cork or wood for the joiners?

A. Not this particular night. We do sometimes.

38. Q. You have on previous nights?

A. Yes.

Examined by defendant, Lt. Lennon:

39. Q. The steel deck you speak of that covered the vertical steel ladder so you could not get out of the hold, was this steel deck in the forward or aft part of the hold?

A. In the forward part.

40. Q. The steel vertical ladder in the aft part of the hold, was it still there?

A. Yes, the forward ladder was and the aft ladder.

41. Q. Could you have gotten up this aft ladder?

A. No.

42. Q. Why not?

A. From the top of the deck to the next deck there was a wooden ladder. You go on that ladder and cross and go over to the other ladder. There was a walkway with two boards and the ladder was covered with decking. You had to go across on it. This walkway prevented you from going from the top to the bottom.

43. Q. (The witness was shown "Exhibit 6"). Please note the direction in which the deck of that platform is laid and describe how it is laid?

A. The cargo hatch boards run fore and aft (the witness indicated on photograph, "Exhibit 6").

44. Q. In working in the hold of the ship, did you notice scaffolding or staging at the forward end?

A. Yes.

45. Q. About how far apart would you judge this scaffolding to be?

A. On the forward bulkhead there were two engines. The welder leadingman one night tacked the braces on the bulkhead and that made the staging in the Diesel engine room.

46. Q. If there had been no fire and no excitement, could you have climbed up this scaffolding or staging and gotten out of the hold to the main deck?

A. No.

47. Q. What would have prevented you from doing this?

A. There was a room made from the deck overhead just a little place for a man to go in. I am speaking now of the hold in general, in the generator room.

48. Q. Could you have climbed up the staging or scaffolding in the forward side of the hold from the bottom of the ship to the main deck?

A. Yes.

49. Q. How long would it have taken you?

A. About two or three minutes.

50. Q. Could many men have climbed out this way at one time?

A. No. It would have had to be one or two at a time.

Examined by defendant, Clifford D. Short:

51. Q. You stated you were standing at the port manhole on the bottom deck. Is that at approximately frame 120?

A. I think it is 124.

52. Q. How long were you standing there before you noticed fire on the third deck starboard?

A. Around one-half hour.

53. Q. You say you saw fire falling from somewhere above on this pile of material?

A. Yes.

54. Q. Was your view limited in any way by the overhang of number 3 deck?

A. Yes. From the side I was sitting on I could only see on that side. I could not see beyond that.

55. Q. Then you would notice fire falling in the vicinity of that pile?

A. Yes.

56. Q. Did you notice the two welders working six frames aft of you on the same deck?

A. No, not at that time.

57. Q. You were standing there one-half hour and you did notice the fire, but not the welders working there?

A. Naturally, I would see the fire falling. There was a welder back of me, because I put my hand over my face to keep off the glow.

Examined by defendant, Lt. Gill:

58. Q. When you first saw the fire you mentioned that it started to burn in small flames?

A. Yes, small sparks.

59. Q. Do you recall the flame before the fire extinguisher was used?

A. I ran to call the fire watch and just when I got around there he was using a pump. He brought it out with him and just as he pulled it out the fire flamed up at once.

60. Q. Did you see him apply the fire extinguisher?

A. I saw him making attempts to use it.

61. Q. Did he have a water-type fire extinguisher?

A. Yes.

62. Q. Do you recall when you went up the ladder the first time to the third level, did you see any other men there?

A. Yes, joiners.

63. Q. At the time you went up had they quit work?

A. No, we were going to work at 5:15.

64. Q. After you discovered the fire you went up the ladder. Were men working there?

A. Yes, they were still working, and if I had had presence of mind enough to push the pile down, I might have prevented the fire.

65. Q. Did you see the men working at the third level when they attempted to get out?

A. No.

66. Q. You did not see anybody attempt to get out by way of the iron ladder?

A. No. I could see them come from the starboard side and go to the port side.

67. Q. Did they go across the forward end of the hatch or aft?

A. Aft.

68. Q. Do you know if those boards, the short hatch boards, could have been pushed up?

A. It would not have made any difference when the fire started on account of the heat.

69. Q. In your opinion, could those men have either climbed up the welding cable or slid down?

A. They could have before the fire started, but not after the fire. It swept the whole deck. One of my men got out after the fire, but he burned his hands when he caught onto some metal.

Examined by the court:

70. Q. This man that came up after the fire, do you know how he saved his life?

A. I had three men there. There was a number 3 tank and a number 6 tank. The night before we cleaned out the oil tank, number 6. Knowing that number 7 ran from the engine room back to the main hold, I had presence of mind knowing to tell them not to get into number 7 tank, to get into number 6 tank and during the fire, I know 3 men did get into the tank. This boy did not wait. He shimmied up some way. I pushed him back twice, but after I collapsed, he must have gotten out.

Examined by interested party, Lt. Comdr. Marshall:

71. Q. There has been some testimony to the fact that there was a fire hose led down into that hold. Did you see such a hose in the hold prior to the fire?

A. No, not that night, but I did see a hose, because the fire watchers filled their water cans from it. Having worked there two weeks, I saw the hose.

72. Q. You saw no one attempt to use the hose the night of the fire?

A. No.

Re-examined by defendant, Lt. Lennon:

73. Q. As I understand it, you stated the men working on the number 3 deck starboard ran to the port side?

A. Yes. I understand they ran over to the port side on the aft end of the hatch.

74. Q. Did they not pass the steel ladder and the wooden ladder?

A. Not from that deck. It was another deck there. There was something there, I do not know what, but we were all trapped. Nobody could get out. I went aft this hold myself, and if there was any way out I guess I would have tried it.

Re-examined by the court:

75. Q. Were the lights all out at this time?

A. The lights were on at the beginning of the fire.

76. Q. Was there enough smoke to obstruct a fairly clear view of the hold where you were and the deck immediately above you?

A. Yes, you could not see the flash from my light at arm's length.

77. Q. How then could you have seen what way the men took to reach the opposite side of the deck?

A. The second time I climbed back I was with them, and I could see them go into the corner. I followed them.

78. Q. What side was this?

A. On the port side. They were working on the starboard side.

79. Q. You have said that you saw the men first on the starboard side and then on the port side. In between, it was too smoky to see. Is that correct?

A. When the fire first happened it wasn't smoky. When I crawled on the deck there were lights down there. The men were working on the port and starboard side of this deck, but the biggest group of men were working on the port side corner (witness indicated aft corner). We all went on the port side. When I dropped back to the bottom the second time it was not smoky at that time. Then they began to pour water and the smoke formed everywhere, and I told the men to get back into the pocket.

Re-examined by the judge advocate:

80. Q. You stated that you saw the fire start and that the fire watch was called. Did you call the fire watch?

A. Yes.

81. Q. Where was he when you called him?

A. In the aft part of the ship at the hold on the deck, aft and midship.

82. Q. Was it in front of the permanent steel ladder?

A. It was back from that ladder.

83. Q. If a man went up the bottom hold, up the steel ladder, what is the first thing that would stop him?

A. The walkway in front of the ladder on the third deck and also the walkway on the second deck.

84. Q. To your best recollection of the matter, what was the first walkway in front of the aft ladder made of?

A. Boards.

85. Q. How did they run?

A. Port and starboard.

86. Q. Was there any staging platform or other rigging across the bulkhead of the Diesel generator room in the main body of the hold outside the Diesel room?

A. There is against the bulkhead.

87. Q. Could a man climb up that staging outside the Diesel room?

A. No.

88. Q. Why not?

A. It would not reach the deck. It was put there for welders and burners to burn a space outside the Diesel room.

89. Q. How far from the deck would it reach?

A. You could climb from there to the third deck.

90. Q. Then a man could have climbed from there to the third deck?

A. Yes.

91. Q. Was there a plate lowered into the hold after you started work at 5:15 ?

A. I do not know.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

One thing I could say about joiners leaving cork. That is inflammable, and leaving it around like that is dangerous.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, check number and residence.

A. Arnold G. Burgess, leadingman painter, check number 71-648; 1905 Charleston Avenue, Portsmouth, Va.

2. Q. How long have you been employed in the Yard?

A. Three years the 18th of last November.

3. Q. How long have you been a leadingman?

A. Two years.

4. Q. On what job or jobs were you working on last Thursday, April 27th?

A. Different jobs on painting on the SATURN, interior repair work.

5. Q. Were you in charge of the painters working in number 3 hold?

A. Yes.

6. Q. What shifts do your painters work?

A. One shift - day shift.

7. Q. How does that run?

A. From 7:00 to 4:45.

8. Q. How many painters did you have employed that day in the hold?

A. About eight.

9. Q. Will you tell the court exactly what your painters were engaged in doing that day?

A. We started to put more priming on new iron with zinc chromate paint in number 3 hold and on the decks. Also, the engine room.

10. Q. Did that cover all the decks of the hold that day?

A. Just small areas as were put on by the shipfitters.

11. Q. What areas did you have painters doing that day?

A. The day before I started on the bottom side putting on a solution of bitumastic. Shop 61 got the clips on the deck for 6 by 8 sills across the deck. We started that the day before and the following morning. It takes an hour to get it hot. They wanted the bitumastic solution. I finished up on the port side half way of the deck, third deck, second platform, with bitumastic solution. We finished about half of the port side there and got the clips. The joiners wanted the bitumastic on the starboard side of the same platform and deck.

12. Q. The entire length of the hold?

A. No, we stopped at 4:30 and only got about half-way where the clips were ready.

13. Q. What other work did you have men engaged in?

A. That is all. I had to get the material on the ship.

14. Q. Were you in charge of men engaged in preparing cork for the joiners?

A. Yes.

15. Q. Tell exactly what was applied to those blocks, if any, and how and where it was applied?

A. Bitumastic primer. They were painted on the ship.

16. Q. Was it done on the deck level?

A. Yes.

17. Q. Was any other work of applying primer done that day?

A. No.

18. Q. What did you do to those blocks?

A. Just put a brush along the edges.

19. Q. When during the day did you start to prepare the blocks?

A. When directed by Shop 61, around 2:30.

20. Q. How many blocks were prepared?

A. I never counted them. I did not know.

21. Q. Did you prepare blocks to carry the joiners beyond your shift which quit at 4:45?

A. No, I do not think so.

22. Q. What time did you quit preparing the blocks?

A. 4:30.

23. Q. Did the joiners quit at the same time you did?
A. No, they were still working.
24. Q. Do you know how long they would continue to work?
A. No, the regular quitting time is 4:45.
25. Q. Did the joiners have a night shift also?
A. As far as I know.
26. Q. Did your men prepare blocks for the use of the night shift?
A. Some, yes.
27. Q. Did they prepare enough blocks to carry the night shift through?
A. I do not think so.
28. Q. About how long a time, for the night shift, would you estimate you were preparing blocks?
A. I was working with them. They were putting the cork in as it was being painted.
29. Q. Do painters work on the night shift?
A. No.
30. Q. How did the joiners get blocks to use on the night shift?
A. They had other work that day, so they told me.
31. Q. Did you leave a substantial pile of prepared blocks on the third deck at 4:45?
A. Yes.
32. Q. When you quit was there a pile of blocks there?
A. A few, yes.
33. Q. I show you a picture marked "Exhibit 13". You will notice a row of cork blocks. Is that the pile you left when you quit at 4:45?
A. Yes, it looks like it.
34. Q. Were those blocks prepared for use by the joiners?
A. I couldn't say about those.
35. Q. You stated you put bitumastic solution on the third deck in number 3 hold of the SATURN on the starboard side last Thursday afternoon. Do you know the stock number of the solution that was used?
A. 52-E-4020.
36. Q. Did you draw that stock yourself?
A. My quartermaster did.
37. Q. Have you worked with that formula before?
A. Yes.
38. Q. Is there any doubt in your mind that the material which was applied to the deck was bitumastic solution?
A. No, that is the only stock number we had.

39. Q. Do you know the stock number of the bitumastic primer applied to the blocks?

A. Yes.

40. Q. Please give that.

A. 52-P-20405.

41. Q. Did you draw that primer yourself?

A. No, my quarterman.

42. Q. Have you worked with that primer before?

A. Yes.

43. Q. Is there any doubt in your mind of the fact that the material applied to the blocks was the primer, which stock number you have given me?

A. No.

44. Q. Were there any painters in the hold at the time of the fire?

A. No.

45. Q. Have you ever received any directives relative to the application of either bitumastic enamel or bitumastic primer for correct installation regarding safety precautions to be taken in handling the material?

A. Yes, from my quarterman and chief quarterman and I also have been told about that since I have been in the Yard.

46. Q. Were your instructions oral or written?

A. Oral.

47. Q. Have you ever received or seen any written instructions on safety precautions with regard to the use of bitumastic enamel or primer?

A. I do not know.

48. Q. Had you prepared cork insulation in hold 3 aboard the SATURN on previous days?

A. Yes.

49. Q. Did you follow the same procedure you followed upon this occasion?

A. Yes.

50. Q. Did you leave prepared blocks at the change of the shift?

A. No.

51. Q. Then this was the first time prepared blocks were ever left by painters?

A. Yes.

52. Q. You are certain of that?

A. Yes.

53. Q. Do you know why the practice changed this day?

A. Yes. The leadingman of Shop 61 wanted to get some of his work prepared and wanted me to work with him that evening. Shop 61 was late in getting the decks prepared for Shop 71 in the daytime on the starboard side. After clips were put down, Shop 61 directed me to put down bitumastic primer, which I did as fast as possible to get it on the deck and put the cork in the hold. They directed me to paint all edges, wood and steel. I put my men down to paint the edges of cork with bitumastic as the plans called for. We were all working together, 61 applied it as fast as they could and I was keeping out of their way preparing the cork.

54. Q. You prepared all of the cork that Shop 61 brought into the hold?

A. No, I do not think so. At 4:30 I directed my men to clean up and make sure all pots and brushes were brought off the ship and cleaned up.

55. Q. Then leaving some prepared cork was not the usual procedure?

A. No, they were using it as fast as I prepared it. If any was left the second shift would put it on the deck.

56. Q. You were actually in number 3 hold watching your men on the afternoon of April 27?

A. Yes, until 4:30, from noon until 4:30. In and out, but I was there most of the time. I couldn't say the exact time. I went back and forth, but I was there the biggest part of the time.

57. Q. Did you have occasion to see whether Lieutenant Gill or Lieutenant Lennon were in number 3 hold that afternoon?

A. I saw Lieutenant Lennon's assistant. I saw Lieutenant Lennon quite often.

58. Q. Did you have occasion to see the Lieutenant sitting there? (Indicating defendant, Lieutenant Gill).

A. I do not remember.

59. Q. Was there welding going on in the hold during the day shift?

A. Yes.

60. Q. Where?

A. Welding underneath the deck in the bottom.

61. Q. Was there any welding on the third deck?

A. Yes, on the port side.

62. Q. Any going on starboard side?

A. No.

63. Q. Any on the port side that morning?

A. No, that was where I was working.

64. Q. Would your answers to the two previous questions have been the same if I had said burning as well as welding?

A. On the bottom deck, yes.

The witness was duly warned.

The court then at 4:10 p.m. adjourned until 9:30 a.m. tomorrow.

SIXTH DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Thursday, 4 May 1944.

The court met at 9:30 a.m.

Present:

Captain William D. Brereton, Jr., U. S. Navy, president;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members; and
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate.

Lieutenant Henry P. Gill, U. S. Naval Reserve, defendant;
Lieutenant Ernest D. Lennon, U. S. Naval Reserve, defendant,
and his counsel;

Clifford D. Short, Norfolk Navy Yard, check number 26-133,
defendant, and

Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval
Reserve, interested party.

The record of proceedings of the morning of the fifth day of
the inquiry was read and approved. The judge advocate stated
that the record of proceedings of the afternoon of the fifth
day of the inquiry was not ready. The court decided to post-
pone the reading of this record until such time as it shall be
reported ready, and in the meantime to proceed with the in-
quiry.

Ralph J. Underwood, principal clerk-stenographer, Norfolk
Navy Yard, reporter, entered.

No witnesses not otherwise connected with the inquiry were
present.

Arnold G. Burgess, Norfolk Navy Yard, check number 71-648,
the witness under examination at the adjournment of the inquiry
on the fifth day entered. He was warned that the oath previously
taken was still binding, and continued his testimony.

Examination by the judge advocate continued:

65. Q. When did you assume charge of the painters working in
Number 3 hold of the USS SATURN?

A. I could not say to the exact date without checking my
records.

66. Q. About when?

A. I would say on or about the 20th, I believe.

67. Q. Have you been in charge of all painting work done in
that hold?

A. Yes, sir.

68. Q. Did your men have occasion at any time to apply any
paint or varnish to the wooden sheathing on the bulkheads in
Number 3 hold?

A. Yes, sir.

69. Q. What did they apply?

A. Motor boat varnish on finished sheathing on first and
second deck.

70. Q. Do you know the stock number of motor boat varnish?
A. No, I don't. But I could get it in a few minutes.
71. Q. Would you recognize it if I gave it to you?
A. No.
72. Q. Do you recollect if the stock number was F247N?
A. No, sir. We have only one kind of motor boat varnish.
73. Q. Just in what part of the hold with reference to the deck or decks and to the port or starboard sides of those decks had motor boat varnish been applied?
A. Port and starboard on the second deck was the only place applied. First platform if you want to take it that way.
74. Q. When had that been applied? When was that applied?
A. Was applied, working in there three or four different days between the 20th and 27th. Was in there four or five different days, working behind the joiners and ahead of sheet metal workers.
75. Q. Had some been applied on the 27th?
A. No, sir.
76. Q. Had some been applied on the 26th?
A. No, sir.
77. Q. Had some been applied on the 24th?
A. May have been but very little if was on the 24th. None after the 24th I am sure of that.
78. Q. Then the bulk of varnish was applied before the 24th?
A. Yes, sir.
79. Q. You stated in your testimony yesterday that some zinc chromate paint had been applied in the hold on the 27th of April? Is that correct?
A. Yes, very little.
80. Q. How do you draw zinc chromate paint? Do you draw this paint already mixed?
A. Yes, sir.
81. Q. Do you know the stock number of the zinc chromate paint?
A. 84D is how we order it.
82. Q. What method do you use for preparing the bitumastic primer for application to the cork insulation?
A. No preparing to do. Take out of gallon bucket and brush it on.
83. Q. Then the bitumastic primer comes ready to apply with solvent in it already mixed?
A. Yes, sir.
84. Q. Does it have to be heated before applying?
A. No, sir.

85. Q. Does the bitumastic enamel come ready to apply?

A. No, sir.

86. Q. What has to be done to the bitumastic enamel before applying it?

A. Has to be heated.

87. Q. Where was the bitumastic enamel heated?

A. End of pier 5, berth 36.

88. Q. Is any part of the bitumastic enamel heated in the hold?

A. No, sir.

Examined by Lieutenant Lennon, a defendant.

89. Q. During your work on this job did the painters have a night shift on the ship on this job in Number 3 hold?

A. No, sir.

90. Q. Did you usually prepare the cork for the joiners so they could work cork on the night shift?

A. No, sir.

91. Q. Did you prepare this cork for the joiner night shift on April 27th?

A. No, sir. Shop 61 was working right along with me as fast as I could apply the paint.

92. Q. On April 27th did the joiner supervisor ask you to prepare enough cork so that his night shift could continue the job?

A. No, sir.

93. Q. Did you ever knowingly prepare cork to be worked by the joiners after the painters had knocked off their shift?

A. No, sir.

94. Q. Then you only prepared cork as the joiners were using it or expected to use it in the next one hour period?

A. Yes, sir.

95. Q. Approximately how many slabs of cork did you keep prepared in advance of use by the joiners in hold Number 3?

A. I would say never get over eight or ten ahead of them approximately.

96. Q. Was true to your knowledge April 27th?

A. Yes, sir, within an hour's time.

97. Q. Late on the afternoon of the 27th did you authorize or did your men request any large quantity of cork to be prepared for the joiners?

A. No, sir. Only enough to keep clear of the joiners.

98. Q. Previously you stated that to your knowledge the quantity of cork prepared for the joiners in advance of their installing it was approximately 8 to 10 slabs. Was that true to your knowledge on the late afternoon of April 27th?

A. Yes.

99. Q. During your time on this job did you notice the means of getting in and out of the hold; in other words the access?

A. Noticed ladders.

100. Q. How many ladders did you notice on the afternoon of April 27th?

A. Three ladders I believe.

101. Q. Can you describe these three ladders, were they wood or steel, and their approximate location?

A. The three I am speaking of were wood. Two more iron ladders.

102. Q. Were these ladders on the same deck level or were they on different levels?

A. Different.

103. Q. Specifically can you recall the means of access from the third deck to the second deck?

A. One ladder coming from third deck to second deck.

104. Q. Was it a wooden ladder?

A. Yes, sir, starboard side.

105. Q. Were there steel ladders from the second deck to the third deck?

A. One steel ladder secured to the ship going all the way into hold over main deck.

106. Q. Do you recall staging or scaffolding across the forward part of the hold in Number 3 hold, generally from the tank top to the main deck?

A. Yes, staging in there.

107. Q. Do you believe you could have climbed up this staging from the tank top to the main deck?

A. No, sir, not without getting on the ladder.

108. Q. In general did you observe that the welders and burners stayed at what you considered a safe distance from newly applied installed cork or cork that had just received bitumastic primer?

A. Yes, sir.

109. Q. Did you have occasion to draw attention of the welders that they were too close to the cork that was being painted or installed?

A. Yes, sir. I warned one but he was on opposite side aft, applied it on port side. I was working on the starboard side that evening.

110. Q. In general they stayed clear, well clear, of the inflammable cork?

A. Yes, sir.

111. Q. The term has been used by several - "preparing cork", by that term "preparing cork" for the joiners, what does the work consist of?

A. Painted all the butts and edges with bituminous primer.

112. Q. In the preparation of cork for installation by the joiners were the flat surfaces of the cork coated with bitumastic primer?

A. Some of it on the bottom side, yes.

113. Q. Which layer of cork was it that was coated with bitumastic primer on the flat surface?

A. The bottom layer.

114. Q. After the bottom layer has been installed is it true that you coat only the edges and ends of the remaining cork slabs in the layer?

A. Yes, sir.

115. Q. Was this bitumastic primer applied with a brush or by dipping?

A. Brush.

116. Q. About what time in the afternoon of the 27th did you last leave Number 3 hold?

A. 4:30 approximately.

117. Q. At that time do you know if there was a large pile of cork slabs on the starboard side of the third deck level which had been coated with bitumastic primer on the ends and edges of the slabs?

A. No large quantity, no, sir.

118. Q. About how much cork would you estimate there was piled in that location at the time you left the hold?

A. I would say not over fifteen pieces.

119. Q. Do you recall whether this cork was piled neatly or just in a helter skelter fashion?

A. Both.

120. Q. Your answer to that question indicates there were about 15 or 20 pieces of cork that were piled both neatly and in a helter-skelter fashion?

A. I would say neatly was the correct answer.

Examined by Clifford D. Short, a defendant.

121. Q. Mr. Burgess, in the early part of the afternoon of 27 April do you remember our conversation on the third deck starboard side of Number 3 hold?

A. Yes, sir.

122. Q. Remembering that, was not that conversation made with a view point in safety in asking you to keep your bitumastic enamel away from these places when we were welding?

A. Yes, sir.

123. Q. In any of our other dealings or trades has my attitude been one of safety?

A. Yes.

124. Q. In previous statement you said you left the hold at 4:30 in the afternoon of 27th?

A. Correct.

125. Q. Would you say a pile of treated cork, treated with bitumastic primer 6 feet wide by six feet high was a large or small pile. Six feet wide approximately?

A. I would say a large pile to be that wide.

126. Q. Did you notify anyone that that pile of cork was inflammable before you left?

A. Yes, sir.

127. Q. Who did you notify?

A. Shop 01's leadingman.

Examined by Lieutenant Commander Marshall, interested party:

128. Q. Yesterday afternoon you answered a question about the receipt of instructions or safety precautions on the use of bitumastic and bitumastic primer. I would like to know whether those were instructions for the use, that is method of preparing the material or were they safety precautions you received?

A. Methods for preparing the material and safety precautions. All was what had been told me.

129. Q. Then those verbal instructions you received were both instructions for the use and safety precautions?

A. Yes, sir.

130. Q. On the afternoon of the 27th did you see a fire hose let down in that hold?

A. Yes sir, I think so. Been one there all the time, if I am not mistaken.

131. Q. Do you recall the location of that hose with respect to the hatch. Was it in the forward end or the after end of the hold and which corner, port or starboard?

A. Port side forward.

Re-examined by the Judge advocate:

132. Q. You and your men did prepare this cork for use by the joiners within Number 3 hold?

A. Yes, sir.

133. Q. Who directed you to follow this procedure?
A. Leadingman joiner.

134. Q. Did the leadingman joiner tell you also the amount of cork to be prepared?
A. Not the exact amount, no, sir.

135. Q. How far away horizontally would you consider a safe distance for a welder or burner to work from cork that had been laid or already prepared for laying?
A. I could not answer that question correctly. I would say six or eight feet. That would not be exactly safe if no one was around.

136. Q. What distance vertically would you consider a safe distance for a welder or burner to work from cork which had already been laid or had been prepared for laying?
A. I would not know.

137. Q. You testified that on the afternoon of the 27th, when you and your men were working on the starboard side you had occasion to warn a welder who was working on the port side of the hold; just exactly where was this welder working which you warned?

A. He was welding overhead on port side and only had bitumastic enamel on the deck, no cork.

138. Q. Where was he working?
A. Second deck level.

139. Q. Where on the second deck level?
A. Port side.

140. Q. Where on the port side? On the coaming, the shell, where?
A. On the overhead welding. The fire was coming down. Working on the overhead, I don't know where exactly.

141. Q. How far away from your work was this?
A. Across the hatch, port side. I was on the starboard.
142. Q. How many feet would you estimate this was?
A. I would say forty feet from where I was working.

143. Q. On what place were the sparks from the welder's torch falling, or that you feared they might fall, which caused you to warn the man?
A. Port side falling on deck where bitumastic enamel had been applied.

144. Q. How far from that was it from where the man was welding?
A. I would say 12 feet where he was welding to the deck, to where he was welding the overhead.

145. Q. Did you consider that his welding endangered the work you were doing on the starboard side forty feet away?
A. No, sir.

146. Q. What was the size in feet of the neatly stacked pile of prepared cork you have testified you and your men left at 4:30 p.m.?

A. I don't know.

147. Q. How wide was it with reference to running fore and aft in the ship? How wide do you estimate it was?

A. Cork is about 18 to 20 inches wide I think.

148. Q. How far was each single pile from the other? Approximately?

A. I would say six feet. I was working in three different positions.

149. Q. Was the cork stacked one slab upon the other?

A. Yes, sir.

150. Q. Were there any two stacks of slabs contiguous to each other?

A. No, sir. Tried to leave air space.

151. Q. How big was the air space?

A. About six feet from one pile was way we had it. I was working in three different positions.

152. Q. How high was each pile?

A. I don't think any of it over three feet at the most, not over that.

153. Q. Were all the piles, piles of single slabs of cork?

A. Best of my knowledge, yes.

154. Q. And were the nearest other piles of single slabs of cork about six feet apart as you have testified?

A. Yes, sir.

155. Q. About how many piles do you remember were there?

A. Not over three. Working three positions I know of.

156. Q. Just where on the starboard side of the deck were they located? Did they run along the hatch opening?

A. Between the hatch opening and the skin of the ship.

157. Q. Would you locate the three piles by sketch?

A. (The witness indicated by a sketch that the three piles were located fore and aft on the starboard side of the deck in approximately middle distance between the hatch opening and skin of the ship).

158. Q. How far was the closest one of those piles from the wooden ladder from the third deck to the second deck?

A. I can't make an estimate on that.

159. Q. I direct your attention to two photographs marked, "Exhibits 6 and 15". Using those to refresh your memory can you now to your own recollection make an estimate of the approximate distance?

A. No, sir.

Re-examined by Clifford D. Short, defendant:

160. Q. You formerly stated joiner leadingman, welder leadingman, and yourself had a working agreement between themselves for keeping apart. By keeping apart, is that meant to keep the fire from the welders, the cork from the joiners and the paint from the painters, separated as far as possible?

A. Yes.

161. Q. What would you say was the sole purpose for that agreement?

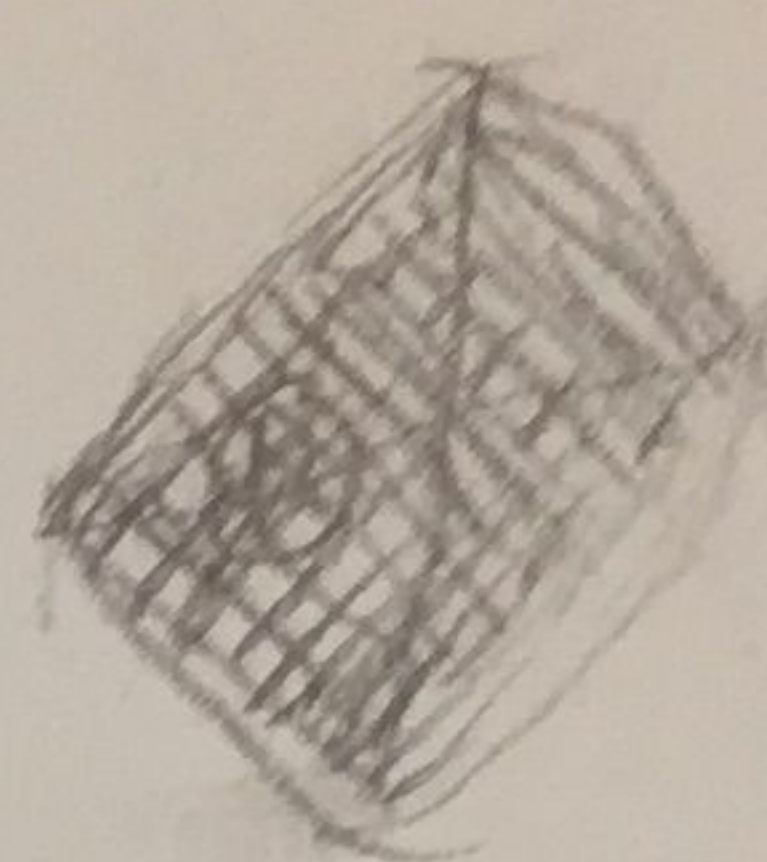
A. Safety.

None of the parties to the inquiry desired further to re-examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.



The court then at 11:35 a.m. took a recess until 2:00 p.m., at which time it reconvened.

Present: All the members, the judge advocate, and the parties to the inquiry and their counsel.

The judge advocate introduced Richard T. Bolling, clerk-stenographer, Norfolk Navy Yard, as reporter, who was duly sworn.

No witnesses not otherwise connected with the inquiry were present.

A witness called by the judge advocate entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank and present station.

A. Cecil M. Sterne, Lieutenant Commander, E-V(S), Assistant to Shop Superintendent and Test Officer, Norfolk Navy Yard.

2. Q. Are you familiar with the types of paint used in the Norfolk Navy Yard?

A. I am.

3. Q. How long have you been on active duty in the Naval Reserve?

A. Twenty-three months on this tour of duty.

4. Q. What was your occupation prior to entering the Navy?

A. Corrosion metallurgist in research laboratory, and vice-president and chief engineer of a chemical company.

5. Q. How long had you been engaged in that occupation?

A. Fourteen years.

6. Q. Please inform the court of the schools you have attended and degrees you have been granted?

A. Massachusetts Institute of Technology, Bachelor of Science Degree, 1916.

7. Q. You have made chemical engineering your life work?

A. Metallurgy, corrosion metallurgy.

8. Q. Does that include training in chemical engineering?

A. Some training in chemical engineering.

9. Q. Are you able to tell the court the composition of bituminous primer which is carried in the Norfolk Navy Yard under stock number 52-P-20405?

A. I am.

10. Q. Please tell the court the formula for this primer?

A. The primer?

11. Q. Yes.

A. Bituminous primer is cutback asphalt, natural asphalt cut back, and consists of 40 percent asphalt and 60 percent Grade 1 petroleum spirits.

12. Q. Are you fully conversant with the physical properties of this bituminous primer, stock number 52-P-20405?

A. Yes.

13. Q. Will you give the court a description of its physical properties, particularly with reference to inflammability?

A. The degree of inflammability of this bituminous primer varies; it depends upon the length of time it is allowed to dry. The longer it dries, the more the thinner will evaporate and the inflammability of the material would become less.

14. Q. Is this bituminous primer inflammable or not?

A. It is.

15. Q. In your opinion, is it highly inflammable?

A. Yes.

16. Q. Is the primer ordinarily used in solution in the Norfolk Navy Yard?

A. Always.

17. Q. What solution?

A. It is in solution; it is in liquid form.

18. Q. What is the ignition point of the primer in solution?

A. The flash point in open cup tester is 100 degrees Fahrenheit and in a closed cup tester 96 degrees Fahrenheit. The firing point is the same.

19. Q. Are you familiar with the chemical formula of bituminous enamel, stock number 52-E-4020?

A. I am.

20. Q. Will you please describe the physical properties of this enamel, briefly, to the court, especially in connection with inflammability and give the court the formula of this enamel?

A. It is nothing but asphalt; just plain asphalt.

21. Q. Will you please describe to the court the physical properties of this enamel with special reference to inflammability?

A. The material is hard asphalt melted before it is put down, melted in pots over oil burners. Its flash point in an open cup is 635 degrees Fahrenheit, and the firing point in an open cup is 670 degrees Fahrenheit. Its softening point is 224 degrees Fahrenheit.

22. Q. Would, in your opinion, a cork block which had been treated on the sides and ends with either or both bituminous primer or bituminous enamel be highly inflammable?

A. If it were treated with the bituminous primer, it could catch fire. It evaporates readily just after the primer had been applied; it would become less and less inflammable as more of the solvents in the primer evaporated. It would not make very much difference in the inflammability of the material if it had just been treated with enamel.

Examined by interested party, Lt. Comdr. Marshall:

15. Q. Doctor, do you recall at what point the Fire Chief, Mr. Sykes, asked for the medical officer, and you spoke up and stated that you were the medical officer of the ship?

A. That was after I had been down to the third deck and then had gone back up on deck to get aid to give artificial respiration and had come back.

16. Q. Do you know the hospital corpsman named Johnson at the Dispensary?

A. I do. I know him because he was a corpsman. I noticed that he was a corpsman and he came by the sick bay afterwards.

17. Q. Did you notice where he was at the time Mr. Sykes spoke to you?

A. At that time he was on the third deck. He was not busy, but seemed to be awaiting instructions, or standing, or something. He was helping patients at that time.

18. Q. Would you say that he was the first man in the hold?

A. Definitely not. There was a chief pharmacist's mate by the name of Mills, who I would say was the first man in the hold. He was down in the bottom of the hold when I reached the third deck.

Examined by the court:

19. Q. Doctor, approximately how long is your estimate of the time of the alarm of the fire until you got to the scene of it?

A. Well, I would say about sixty second at the most. We immediately jumped from the table and ran.

20. Q. Can you remember how long after you arrived that the lights went out in the hold?

A. I didn't know the lights went out.

Examined by defendant, Clifford D. Short:

21. Q. Doctor, in your previous testimony you stated that the last man was pronounced dead at 8:25?

A. Approximately.

22. Q. In consideration of the time--approximately the time the fire was 6:20--is it your intention to infer no medical aid was given to this man until 8:25?

A. Oh, no; we gave this man artificial respiration approximately ninety minutes before.

23. Q. This man was pronounced dead?

A. That was the last one. I just happened to notice when we were through. Medical aid, I would say, got to these people just as quick as the smoke cleared up for us to get there.

Examined by defendant, Lt. Lennon:

24. Q. Doctor, from the position in which you located the casualties, did it occur to you that they were making any effort to leave the hold?

A. I would say no, unless you want to consider the fact that they were around the edge of the hold as an effort. Other than that, no.

25. Q. Do you consider that access was available for them to have left the hold had they tried?

A. From the proximity of the steel ladder, I would say yes, because about three of them were in five or six feet of it.

26. Q. Doctor, is it not a fact that most human beings are afraid to go through heavy smoke?

A. I would not know.

27. Q. Would a heavy concentration of the gases resulting from a fire like this knock a man out in just a few seconds before he might have opportunity to use available access?

A. That is possible, if the concentration was raised high enough immediately to down a man that way. But, in my opinion, in a case like this, a man would last from four to eight minutes.

28. Q. You mean retain some consciousness from four to eight minutes?

A. Retain his faculties.

Re-examined by the judge advocate:

29. Q. What, if any, medical assistance did you receive on the ship or on the dock from the Navy Yard Dispensary in addition to the corpsman named Johnson?

A. As far as I know, just the ambulance service. There was a doctor from the FRANKLIN, who came down in the hold; and there was another by the name of Holstein, who is a sanitary or some kind of officer--got his apartment in Simon's Building--those two were in the hold. They were the only two doctors I saw.

30. Q. Do you know whether any call was put into the Navy Yard Dispensary for medical assistance?

A. I do not know. I know that a call for ambulances was sent in. I have been told that medical guards came over, but I did not see them. I was in the hold at that time; I only saw those standing there.

31. Q. How long after you entered the hold did the two doctors, of whom you spoke, arrive?

A. I would not know. No, it was not a short while; quite a while, I would say from twenty to forty minutes.

Re-examined by interested party, Lt. Comdr. Marshall:

32. Q. Doctor, is it true that carbon monoxide poisoning creates certain effects which make resuscitation, either by artificial respiration or by inhalators, difficult?

A. It is. It is true because the carbon monoxide itself combines with the hemoglobin and takes up the oxygen-carrying capacity of the hemoglobin. This leaves the blood without oxygen-carrying powers. That is, when the carbon monoxide is 100%. If I remember my physiology correctly, the CO, or carbon monoxide, has greater affinity for the hemoglobin than the oxygen itself; so that if oxygen and carbon monoxide both were in the air, the carbon monoxide would be taken out.

Re-examined by the judge advocate:

33. Q. Doctor Branan previously testified that a concentration of from 20 to 80 percent carbon monoxide was sufficient to kill. Is that your opinion also?

A. Yes.

34. Q. Was there in the bodies that you examined external evidence of carbon monoxide poisoning?

A. The faces were very rosy, which they say is a characteristic of carbon monoxide poisoning. Due to that fact, I would answer the question, yes.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank, and present station.

A. Edmund J. Hoffman, Lieutenant Commander, U. S. Navy, Norfolk Navy Yard.

2. Q. What are your duties at the Norfolk Navy Yard?

A. As hull planning and auxiliaries.

3. Q. Did you cause to be made, under your supervision and direction, an estimate of the materiel damage caused to the USS SATURN as a result of a fire which occurred on 27 April 1944?

A. I did.

4. Q. Do you have a copy of that estimate with you?

A. I do.

5. Q. Will you refer to that estimate and tell the court the total estimated materiel damage?

A. The total estimated damage to materiel is \$12,410.00.

6. Q. What does this materiel consist of?

A. The materiel consists of damage to power cables, to main motors, damaged degaussing cable, damaged lighting cable, and also insulation and sheathing.

7. Q. Was there any damage to the vessel itself other than the materiel to which you have just testified?

A. There is minor straightening required of cable trunk.

8. Q. What is the amount of that damage?

A. That is included in the estimate.

9. Q. What is the estimate of the total cost of all damage?

A. \$23,900.00, including material, plus labor and indeterminate costs to effect replacement.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

Well, the installation of the cork insulation, sheathing, and other materials used on the USS SATURN, is in accordance with the Bureau's directive for this particular conversion, and it is also in accordance with standard practice. That is about the only thing I have to offer.

Examined by interested party, Lt. Comdr. Marshall:

10. Q. I would like to ask if it was not true that, at a conference in the Bureau of Ships on the 13th of March, 1944, at which you were present, was it not at that time the plan of the Norfolk Navy Yard to use some other material than cork for the deck insulation of the ship?

A. No, that is not correct. We had planned to use cork throughout the refrigerating spaces.

11. Q. Then it was at that conference, if my memory now serves me correctly, that the Bureau specifically directed that the insulation of the sides be changed from cork to mineral wool?

A. That is correct.

None of the parties to the inquiry desired further to examine this witness.

The court again informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then at 4:05 p.m., adjourned until 9:00 a.m., tomorrow.

SEVENTH DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Friday, 5 May, 1944.

The court met at 9 a. m.

Present:

Captain William D. Brereton, Jr., U. S. Navy, president;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members; and
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate.

Lieutenant Henry P. Gill, U. S. Naval Reserve, defendant;
Lieutenant Ernest D. Lennon, U. S. Naval Reserve, defendant,
and Captain Dale Quarton, U. S. Navy, one of his counsel;
Clifford D. Short, Norfolk Navy Yard, check number 26-133,
defendant; and

Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval
Reserve, interested party.

Clifford D. Short, a defendant, stated that he did not desire
to introduce counsel at this time as he had anticipated on the
fifth day of the inquiry but that he would introduce counsel
at a later date, and requested that his counsel be permitted
to examine the transcript of the testimony previously taken in
the inquiry. The court advised this defendant that he might
introduce counsel at such time as he chose and informed him that
his request was granted.

The record of proceedings of the afternoon of the fifth day
of the inquiry and of the morning of the sixth day of the
inquiry was read and approved. The judge advocate stated that
the record of proceedings of the afternoon of the sixth day
of the inquiry was not ready. The court decided to postpone
the reading of this record until such time as it shall be
reported ready, and in the meantime to proceed with the inquiry.

Ralph J. Underwood, principal clerk-stenographer, Norfolk
Navy Yard, reporter, entered.

No witnesses not otherwise connected with the inquiry were
present.

A witness called by the judge advocate entered, was duly
sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank, and present station.

A. David J. Kieselbach, Lieutenant, U. S. Naval Reserve,
Safety Officer, Norfolk Navy Yard, Portsmouth, Virginia.

2. Q. How long have you been engaged in safety work in the
Norfolk Navy Yard?

A. I was assigned as Assistant Safety Officer, May 4, 1943.

2. A. (Continued)

I maintained that position until approximately October 20, 1943. At that time I was made Acting Safety Officer and have served as such since.

3. Q. Will you outline fully, but briefly as you can the duties of Safety Officer, particularly with respect to working aboard ships in commission?

A. Duties of the Safety Officer are "staff." The Safety Officer reports for additional duty to heads of all departments and makes inspections wherever civilian workmen are employed regarding the safeness or hazardousness of the job. We can only make recommendations when we discover those things. As far as fires, fire preventions, our duties are merely looking on because the Fire Department handles those. When an accident occurs aboard a ship we make an investigation into the accident, prepare necessary papers and act as liaison officer between the Navy Yard and the Employees Compensation Commission. Ships in commission, my men must seek permission of the officer of the deck before we go aboard. We may only inspect or look at those places where civilian workmen of the Yard are employed. That about completes an outline of my duties.

4. Q. Has the safety officer authority to stop work which he deems hazardous?

A. I have authority to stop work if, and only if I believe the continuation of that work will cause loss of life or limb. If the work is not stopped immediately and it is at all possible to allow the work to continue and I can find a responsible party I must find that responsible party first.

5. Q. And who would be that responsible party?

A. May I quote an example. In the case of dipping and handling fire resistant clothing at Gowing Veneer Company, we knew toxic gases would kill a man instantaneously provided he did not have adequate protection. I stopped the work, reported to the Shop Superintendent immediately that I had stopped the work and took the necessary precautions. Therefore the Shop Superintendent, Production Officer, Ship Superintendent on ships are the qualified people we must report to as being in charge of work.

6. Q. Does a civilian supervisor in charge of a particular job have authority to stop work if he deems it is hazardous?

A. I believe there is a Manager's Notice to the effect that a civilian employee does not have to work under unsafe conditions. When he is ordered to work under unsafe conditions he reports that condition to his immediate supervisor and if he is ordered to work anyway, he has the right to appeal to the next higher supervisor.

7. Q. Did you and your office have occasion to check on and examine the safety factors of the work conducted on board the USS SATURN on April 27, 1944 or prior thereto?

A. Yes, sir.

8. Q. Did this include examination of the work going on in number 3 hold?

A. It did.

9. Q. Did you personally have occasion to examine the work going on in number 3 hold?

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A. No, I did not previous to the fire. I examined the report of my safety marshal and one of the junior officers. The written reports on that ship and conditions found were normal and therefore I did not go aboard to make a personal investigation or inspection. I make personal inspections usually on the night shift because I do not have a junior officer available at that time. The safety marshal reported number 3 hold to be a spot to watch, and we had it on the board and were passing the word to the safety marshal to look out for it. We already knew the Fire Department was making inspections for fire three times a watch. We had also asked the Ship Superintendent from time to time to remove what we thought was an excess amount of prepared cork from that hold. He removed that cork, I don't know how many times because the safety marshal kept no record. He asked it to be done and it was done. He had occasion to call me to go to the ship to use the strength of my position as an officer to accomplish our ends. The cooperation from the ship's superintendent was of such nature it was not necessary to do that.

10. Q. Was the excess cork the only reason why your office thought number 3 hold of the SATURN was a spot to watch?

A. No. There was a considerable accumulation of trash and sawdust. Just trash. I could not outline the thing. The report merely stated an accumulation of trash, excess pieces of cork and painting going on, and they thought it would be wise to keep it clean, and I concurred with their decision and we watched it that way.

11. Q. Did your safety marshals ever report to you that welding or burning and the application of bitumastic primer or enamel were going on in number 3 hold simultaneously?

A. No, they did not. They reported to me that the SATURN was to be a refrigerator ship and that the cork was being applied. That was all I know about the work going on in the job.

12. Q. If it had been called to your attention that welding, and burning were being carried on in number 3 hold of the SATURN simultaneously with the application of bitumastic primer and enamel, would you have considered this a hazardous operation.

A. I would have considered it a hazardous operation and would have notified Fire Chief Sykes and gone to the ship with him and whatever decision he made as to its potential fire hazard, I would have abided by that decision.

13. Q. Would you have considered such an operation sufficiently hazardous to have stopped it at once as being immediately dangerous to life?

A. I don't know. That would have to be determined by the circumstances present at the scene. I could not tell you what I would have done without all the circumstances there. I think I would have called the fire chief before I left my office to go see and he would have been there as soon as I would have, and probably we would have stopped it. However, I don't know.

14. Q. Is it your understanding then that the fire chief

would have had any more authority than you?

14. A. The fire department would have authority in the matter. My duties are only staff.

15. Q. Does the fire chief have authority in relation to a vessel in commission?

A. With a vessel in commission the fire chief I believe has no more authority than I. In fact if I may inject this, we have discussed it, the fire chief and I many times. His orders are the same as mine. He must go to the officer of the deck, ask permission to come aboard even though the ship is on fire. He has no authority to come over the gangway without permission of the officer of the deck. I am in the same position though many times we do exceed authority and come over the bow and perform our duties in direct violation to those orders.

16. Q. Since the fire chief lacks authority with regard to a vessel in commission, why do you say you might have abided by his decision if you had made an inspection of number 3 hold of the USS SATURN?

A. Because I would consider the fire chief an expert in matters of fire prevention. In order to clarify myself, I believe had I been notified that welding and painting of bitumastic compound was going on simultaneously, the Fire Department and I would have reported to the Officer of the Deck and taken him with us and made our recommendations to him on the spot.

17. Q. Then you would expect, then, that any action taken by the Fire Department would be done through the ship's command, or the Ship's Superintendent were he present?

A. Yes, sir.

18. Q. You take this same stand with regard to practice of preparing the cork within the hold?

A. Since the cork was being prepared by the Yard workmen, this is the procedure the safety department usually follows: If an unsafe practice - to define unsafe practice, I mean work practice being carried out - we take the matter up with the immediate supervisor, explain to him why we want it changed and stopped. If he fails to comply with our recommendations, we then go on to his higher supervisor or the ship superintendent and request the shop practice which is going on, or the Yard practice that is going on, be stopped or changed or **made safe**. The difference being, in one instance, if it was a question of security of the ship, welders and the painting of bitumastic compound leading to the possibility of fire and by going about it to the fire chief and the officer of the deck faster action can be obtained. If painting is going on in the hold, and speed is not so necessary, the procedure of going to the immediate supervisor of the men performing the operations is followed.

19. Q. Did you or any of your staff have any occasion to take the matter up with a supervisor in regards to this specific case where cork was being treated with bitumastic primer in number 3 hold?

A. No, we did not take it up with any supervisor, because it was my understanding the cork was being placed in the hold after it had been prepared. As I understood the situation it was this: The cork had been painted and was being placed in the hold in sufficient quantities to keep the joiners working, to keep ahead of the joiners who were placing it in position, and I understand that the painting of the cork was being done some other place because it required an hour or so drying time before placed in the hold.

20. Q. How did you reach this understanding?

A. I reached this understanding when the men reported an excess amount of prepared cork in the hold, and I asked, they asked, the cork be removed, and the cork was removed. I assumed the cork being removed had been prepared to put in place. I was told by my safety marshal on the job, I understood from him the cork was prepared and piled up. He merely stated a lot of cork was piled in that hold with trash and debris.

21. Q. Is it your opinion that the placing of the cork within the hold after it had been prepared would have made the work any less hazardous than preparing the cork within the hold?

A. I believe it would have been less hazardous had the cork been prepared and allowed to dry. I mean by the cork being prepared, the primer applied to it and allowed to dry. I believe it would have been less hazardous. That is my opinion. I am not an expert. The reason I say that is because I witnessed a demonstration by the Fire Company of the burning of some of this material. The Norfolk Navy Yard Fire Department on the southeast corner of the Fire Department building burned some of this material in the presence of Captain Britt, Captain Quarton, Fire Chief Sykes, myself, safety marshals, and some of the chemists, on the second or third of May. We painted at one o'clock, my safety marshal, one by name Norman Eckert of Shop 71 brought a can of the primer and two sections of cork. They were painted in the fire station and allowed to dry for fifty minutes. From 1 o'clock to approximately 1:50. They were taken out beside the fire station and they were lighted by the fire chief. Captain Quarton placed a lighted cigarette on the dried cork and the cigarette burned out before the cork burned. The cork was burned by the cigarette as you would burn a hole in the top of a table cloth by placing a cigarette on it. The fire chief lit one corner of it with a match and it took until the match burned to his finger tips before the cork blazed. The fire did not travel very fast at first. But when the primer heated up, then it traveled very fast. We all commented on that fact. We then took two pieces of cork, threw them on end, broke one into three pieces, stood it on end and again lit it. The same thing. The fire started slowly but on heating burned very fast. Then Captain Britt asked Mr. Eckert to take some of the material, the primer, and smear it on another piece of cork with a newspaper which he did, because the first one had been painted with a paint brush and common procedure is to dip or smear them with a rag. That is what was said there. While the stuff was still wet it

was again lit and burned very rapidly. Assistant Fire Chief Jewell took the bucket of primer, lit a piece of paper, and put the paper in the can of primer. The fire burned over the top of the primer and then got hot and began to smoke and the fire began to burn in the gases above the flames in the can. They tried to snuff the fire out by placing a board over the can and that was unsuccessful. They again tried to snuff it out by placing a piece of cork over the can. This was rather successful. I would like to add that the fire chief on the first fire used a CO₂ extinguisher and the extinguisher put the fire out. We then stood the cork on end about three inches apart, lit the cork again and used the CO₂ extinguisher and the flames blew out the end of the pile of cork and were extinguished. Based on what I saw there I have given the answer to this and other questions in which I stated that had the primer been allowed to dry outside, it probably would have been less hazardous when it was placed in the hold.

22. Q. Were these series of experiments conducted in the open?

A. They were conducted on the east side of building 236 in the open on an asphalt path.

23. Q. Was the cork when placed to dry placed in the direct sun?

A. No, sir, placed in the shade inside the fire department building and allowed to dry on a piece of paper outside the office door of the chief of the Fire Department.

24. Q. What kind of day was it?

A. Bright sunny day.

25. Q. Do you recall from your bodily feelings whether or not the day was a humid day?

A. I could not tell. It was a warm day. I remember remarking it was a real summer day. I could not answer that. I don't know.

26. Q. Did this experiment involve the application of a series of sparks or bits of molten metal such as might have flown off from a welding or burning operation?

A. No, sir. A fire was applied either by match or burning a piece of paper or something of that nature.

27. Q. What is the name of your safety marshal assigned to duty of inspecting number 3 hold aboard the USS SATURN on April 27th?

A. One man by the name of Bailey. And the other was Mansfield, who is on duty in the night shift in that area.

28. Q. Were both of those present in the hold during the time of the preparation of the cork on April 27th?

A. That I don't know because their duties extend and cover all the piers and they are supposed to make every ship in that zone. Whether they saw the preparation I don't know.

29. Q. What authority did they have?

A. Frankly, they have no authority, because they are told by me, and I have been instructed by my superiors that their duties are the same as mine. They make inspections,

go to the supervisor and request that he do something about it. They cannot order a Yard workman to do anything. That is clearly outlined in the Manager's Notice which sets up the organization of the Safety Office. It expressly states that a safety marshal shall not give a direct order to any Yard employee. They may only recommend to the supervisors.

30. Q. Do their duties or responsibilities permit them to have contact with the Ship Superintendent; in other words, if they did not succeed in getting cooperation from a civilian supervisor would their next level be the ship superintendent, or the ship's appointed inspector, the officer of the deck or whom?

A. The ship superintendent or myself. Generally myself and the ship superintendent simultaneously. It depends upon the individual ship's officer. Some of the ship's officers accord the men a lot of cooperation and aid and help them. Some ship superintendents do the same. Others resent them and I try where possible to do the contacting with the officers myself or at least be present when the Safety Marshal talks to the officers on major things or controversial issues. If a small thing, they do not bother me with it. Go to the Ship Superintendent themselves or the quartermaster, or the ship's officer. When a large thing or a controversial issue they come to me and I go to those persons. If I don't do it, one of my junior officers does.

31. Q. Have you had any reports whatever from your marshals with respect to cooperation or lack of cooperation on the part of the ship superintendent or the ship's officers on the specific cases of the USS SATURN?

A. No, the Ship Superintendent has been most highly cooperative. He has aided them in getting the excess cork moved out of that hold when some of the civilian supervisors were not so enthusiastic about doing it. The civilian supervisor gave the men quite an argument due to the fact that they had to have a lot of cork on hand there in order to keep the Shop 61 men adequately supplied, and the men appealed to Lieutenant Lennon, the Ship's Superintendent who got it removed. I can't answer about the officers. I don't believe the men had occasion to ask any specific cooperation from the officers of the ship. They have never been forbidden the ship. Allowed to come aboard, make all inspections they wished, and have expressed no concern about the officers. With these normal conditions I would say that they got the cooperation necessary, because if they had not, I would have heard about it before the fire. The ship was in here long enough to get that information.

32. Q. Can you give the court the names or trade positions of any supervisors who gave your marshals an argument regarding the removal of excess cork on the USS SATURN?

A. I can't give you the names of the supervisors. All I know about it was the painters who were applying the primer told the marshal shop 61 was working 12 hours, painters working 8 and necessary for the painters to get that stuff prepared in sufficient quantity to keep the painters to get that stuff prepared in sufficient quantity to keep the joiners supplied so they could work that extra 4 hours. That was the understanding I had of the picture.

23. Q. Could you tell the court, with reference to time intervals, approximately how much the inflammability of the cork would decrease?

A. I could not tell that; that would depend entirely upon weather conditions, temperature, humidity, and exposure to sun; it is a matter of evaporation of petroleum spirits.

24. Q. Would, in your opinion, cork slabs treated on the sides and ends with bituminous primer four hours before or after a four-hour interval, be highly inflammable?

A. The primer would well be highly inflammable. Whether the cork itself, the mass of the cork, would be highly inflammable depends entirely upon how far the primer had soaked into the cork.

25. Q. Would the primer be pasty at the end of two hours?

A. The primer would be tacky. The specifications call for one hour drying time for the bituminous primer; Bureau of Ships' specifications call for that. This material meets that specification.

26. Q. Is the gas in the evaporation from the bituminous primer, you have been referring to, heavy or light as compared with air?

A. Light, lighter than air. The degree of lightness varies according to temperature and humidity of the air; the degree of difference in weight.

27. Q. Would you mind stating also if it varies with the degree of humidity of the surrounding air?

A. There would be a difference between the weight of the air and the weight of the evaporating thinner in the primer. The higher the humidity in the air, the heavier the air.

28. Q. And the lower the ratio of evaporation?

A. The more humid the air, the lower the ratio of evaporation, the rate of evaporation.

29. Q. Would you say that there would be a gaseous condition surrounding the piles of cork, or the layers of cork that had been prepared with this primer?

A. Why, just exactly what do you mean by gaseous condition?

30. Q. Would there be in the surrounding air the gases of evaporation?

A. There would be some gas in the air; there would be if the materials were evaporating.

31. Q. As metallurgist, are you familiar with sparks or drops of molten metal thrown about as the result of welding or burning operations?

A. I am.

32. Q. In your opinion, how far could a spark from a welding operation carry so as to ignite a pile of cork which had been treated with this bituminous primer about two hours before?

A. In the welding operation, there should be no sparks flying around at all.

33. Q. In the burning operation?

A. In the burning operation the sparks that would carry would be entirely dependent upon the thickness of the material being cut and upon the gas and oxygen pressure in the cutting torch.

34. Q. Will you make an approximation, based on the use of acetylene gas in the cutting torch in the hold of the ship, on material the thickness of ordinary deck plating?

A. Pretty difficult to do that because I do not know the pressure they were carrying when they were cutting. Even knowing the pressure, I would not want to make a definite statement.

35. Q. Did I understand you to say no sparks whatever are disseminated as the result of a welding operation?

A. In electrical welding, there should not be. In gas welding, if the welder handles his torch properly, there should not be any sparks flying at all; just be hot around the spot where he is melting the rod down in the weld.

36. Q. If the welder did not handle his torch properly?

A. Probably a foot away, there would not be any sparks flying around.

37. Q. Is it your opinion, then, that a welder engaged in welding deck plate to a coaming would not throw out sparks which could drop vertically a distance of twelve feet and result in ignition of bituminous primer?

A. Molten pieces of metal might drop that distance and still have a temperature well above the flash point of any thinner used in any paint.

38. Q. In your opinion, what would be the maximum distance which molten pieces of metal could drop or be thrown and still retain sufficient heat to ignite cork which had been treated with bituminous primer?

A. I could not possibly answer that question. I would say that depends entirely upon the size of the particles. They cool rapidly as they drop.

39. Q. You could not answer that on the average particle?

A. No, sir.

40. Q. Are you familiar with the motor boat spar varnish used in the Norfolk Navy Yard?

A. I am.

41. Q. Will you please tell the court the chemical formula of that spar varnish?

A. The percentage by weight is:

Bakelite Resin #254	9.3
Oiticica Oil	19.5
Linseed Oil - resin blend	27.4
Dipentene	6.6
Xylol	7.9
"Solvesso No. 2"	6.6
Mineral Spirits	22.0
Lead Naphthenate Drier	0.2
Manganese " "	0.2
Cobalt " "	0.3

The linseed oil-resin blend is made by heating together, at 560° F., 100 pounds of Bakelite resin #254 and 254 pounds of alkali refined linseed oil.

There is no Bureau of Ships specification on this varnish.

42. Q. Would the inflammability of wood which had been treated with this spar varnish three or more days prior to test be increased because of the application of the varnish?

A. It would be.

43. Q. Would there be any gaseous aura surrounding wood which was so treated more than three days prior to ignition?

A. The amount of evaporation of the thinners in this type of varnish after three days would be so slight that I doubt if it would be detectible.

44. Q. Would the application of this varnish lower the ignition point or not of the wood?

A. Yes.

45. Q. At about what temperature?

A. I haven't the least idea; I cannot answer that. I can only determine by actual test.

46. Q. Will live sparks or molten particles of metal ignite cork treated with the bituminous primer above referred to in falling on it?

A. I don't know.

47. Q. Why do you say you don't know?

A. Well, the sparks or the metal may have a high enough temperature to make some of the thinner flash; but whether that would start the cork burning, I don't know.

48. Q. Would such live sparks or molten metal cause the thinner to flash?

A. Yes.

49. Q. Are you familiar with Formula 84D for zinc chromate?

A. I am.

50. Q. Will you please give the court the formula?

A. Zinc oxide	19.8
Titanium dioxide	13.7
Chromium trioxide	22.5

This is 84-D: one-half of 1% carbon black. Then the volatiles 31.03, non-volatiles are 21.89. This specification has been revised greatly since the original December 1943 specification, due to shortages of certain materials.

51. Q. Does that include the thinner ordinarily used?

A. In that vehicle, yes. Petroleum spirits are used in the thinner.

52. Q. Is this thinner inflammable?

A. This thinner is exactly as the thinner used in the bituminous primer.

53. Q. What is its flash point?

A. The flash point in open cup is 100 degrees Fahrenheit; that is the thinner. In closed cup, 96 degrees Fahrenheit.

54. Q. Would this flash point be changed when the solvent and the paint stock were in solution?

A. Very greatly; it would be raised very greatly.

55. Q. What would be the flash point of the solution?

A. No requirements for the flash point of this particular paint. If that would be ascertained, it probably would be rather high. Over 46% of this material is pigment, but it is uninflammable - Phthalic Anhydride is pretty fire resistant. There is quite a bit of non-volatile vehicle in the paint as well. It would be a very simple matter to run a flash and fire test on zinc chromate pigment.

56. Q. Would there be any possibility of spontaneous combustion arising as the result of the stacking of cork blocks, the edges of which had been treated with bituminous primer from two to four hours before?

A. I doubt it very seriously. I would answer that as "No."

57. Q. Did you have occasion to enter hold number 3, USS SATURN, on the evening of April 27, or the morning of April 28, 1944?

A. On the morning of April 28th.

58. Q. Did you there collect samples of bituminous primer material?

A. No, bituminous primer there. This is a sample, we called it "bituminous enamel". From the analysis, it is undoubtedly a mixture of bituminous primer and bituminous enamel. The reason for that is the lower flash point and fire points of this material - lower than the asphalt and higher than the primer. It is less cut-back asphalt than the primer.

59. Q. Did you collect samples of bituminous enamel?

A. There was no bituminous enamel there.

60. Q. Will you state whether this mixture was the result of the application of the fire or both?

A. Both.

61. Q. Did you cause this mixture to be analyzed?

A. I did.

62. Q. Do you have with you a copy of the analysis?

A. I have. Here it is. (Hands analysis to judge advocate).

63. Q. Can you certify this analysis as correct?

A. I do.

The analysis was submitted to the defendants, the interested party, and to the court, and by the judge advocate offered in evidence. There being no objection thereto, the analysis was so received and is hereto appended marked "Exhibit 22".

64. Q. Are you familiar with the physical properties of acetylene gas as used for cutting and burning operations at this Yard?
A. Yes.

65. Q. Will you describe them briefly to the court?
A. I refer to standard chemical symbol handbook. Acetylene is ethine, which is chemical symbol $\text{CH}:\text{CH}$, a colorless, inflammable gas. It is somewhat lighter than air in the gaseous form. It forms an explosive mixture with air, the percentage varying from 2.5% to 80%.

66. Q. What, in your opinion, would be the result if a fire should burn through a live acetylene gas lead?
A. Wherever the acetylene gas was escaping from the tube of the rubber hose, it would burn at the edge and keep on burning as long as there was acetylene. Once the fire had started there, as long as the acetylene was supplied there, combustion would continue.

67. Q. At the point where the hose was burned through?
A. Where the hose was burned through or the gas was escaping.

68. Q. What products are the result of the combustion of acetylene gas?
A. Carbon monoxide, carbon dioxide, and some water vapor.

Examined by the court:

69. Q. I refer you to Exhibit 22, just presented. You will please note "Note 1" added below this analysis, which states, "The exact flash point of this material could not be determined because flashing began before the material became thoroughly melted and mixed." Does the court infer from that statement that this mixture, which you salvaged from number 3 hold of the SATURN, may be considered a highly inflammable mixture?
A. It is a highly inflammable mixture.

Examined by defendant, Lt. Lennon:

70. Q. Earlier in your testimony you stated, in answer to a question by the judge advocate, that the cork which had been coated with bituminous solution was, after four hours, "highly inflammable" or words to that effect. In this connection, just what is your definition of the term "highly inflammable"?
A. Highly inflammable is something that will catch fire readily, and will continue to burn.

71. Q. Would you say that a material was highly inflammable if it required thirty seconds to ignite it with a flaming match?
A. By no means, sir; it would not be highly inflammable.

72. Q. Would you consider a material to be highly inflammable if it was a solid substance, if a lighted cigarette were placed on it and it did not ignite?
A. I would not consider that highly inflammable.

73. Q. Is it not a fact that the term "highly inflammable" is a relative term and must be guardedly used?
A. That is correct.

Examined by defendant, Clifford D. Short:

74. Q. Would a lighted match or a lit cigarette thrown onto a pile of this cork battens treated with bituminous enamel and primer, would that ignite a fire?

A. It could. It depends upon the volatilization of the petroleum spirits; in what condition they come off.

75. Q. In your previous testimony, you said spontaneous combustion would ignite, would take place within four hours after the material had been coated?

A. Not within four hours after the material had been coated.

Examined by interested party, Lt. Comdr. Marshall:

76. Q. In discussing the application of zinc chromate in number 3 hold, I would like to find out, in your opinion as an expert, what is the drying time, the normal drying time, of zinc chromate?

A. There are very definite specifications on that. That is one of extreme importance. The setting time is 2-1/4 hours; drying hard 8 hours. We consider zinc chromate primer to be sufficiently dried for recoating in weather like we are having now in an hour and a half or two hours.

77. Q. Would you say then that, after two hours, a coating of zinc chromate would be inflammable, highly inflammable, or non-inflammable?

A. Zinc chromate is never non-inflammable. In air, it is inflammable. That can depend entirely upon the weather conditions and the drying condition. It depends entirely on how much that the volatile thinner had evaporated. We do not consider it a very flammable paint; in fact, it is made up to be as unflammable as we can make a paint of that kind. In fact, we have a pigment in it that will not burn; the pigment will not burn. It is magnesium silicate, which is a rocklike material, which is unflammable.

78. Q. To go back to the bituminous primer. You stated, I believe, to the effect that the flash point of the bituminous primer would increase as the length of time after it was applied increased. Am I correct in assuming that the ultimate limit of the flash point of that primer when all the volatiles were dissolved or evaporated would be or would correspond to the flash point of the asphalt base of that primer?

A. I am going to qualify my answer. Your statement is absolutely correct, but the end point of the thinner is 410 degrees Fahrenheit. You will have to have a temperature above 410 degrees Fahrenheit to get it all off. I have here the properties of the thinner. I have the distillation range right here now.

79. Q. In other words, when thoroughly dried, the primer would have a flash point of 410 degrees?

A. When thoroughly dried, no. If it were thoroughly dried, it would have the flash point of asphalt. You have to get a temperature of 410 degrees to drive all the thinner off. The end point of the thinner is 410 degrees Fahrenheit. You have to boil all the thinner out of it, then would be left plain asphalt.

80. Q. In another connection, is it not true that the sparks from burning depend also upon the composition of the metal as well as its thickness?

A. Of course; when I answered the question, I was thinking of the structural steel that is used in building ordinary ships.

81. Q. In the same manner, is it not true that the molten slag from welding operation varies--depends upon the composition of the particular rod used in the electric welding?

A. Yes.

Re-examined by defendant, Lt. Lennon:

82. Q. This bituminous primer that is being used on this particular job, would it ever dry to a point where it would not be inflammable?

A. It would under certain long-time conditions; it would be gradual evaporation--polermization of the thinner; but I would not even venture to say how long it would take.

Re-examined by the judge advocate:

83. Q. Has there ever, to your knowledge, been a directive issued in this Navy Yard or by higher authority regarding safety precautions to be observed in connection with the use of either the bituminous primer or bituminous enamel?

A. I have never seen a directive or directives of that nature.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated as follows:

There is one theory I have that I would like to enter. I do not know what it may be worth, or whether it has been brought up. As I understand, cork has to be sewed and fitted in place. It is possible that the fire might have been caused by a dust explosion in some section from cork dust in the air in the section. That may be entirely improbable, but cork dust can cause explosion. If there were some small spaces where dust exploded, that might be the cause.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank and present station.

A. Quentin R. Pirkle, Lieutenant (jg), Medical Corps, V-(G), U. S. Naval Reserve, U.S.S. SATURN.

2. Q. Were you attached to the U.S.S. SATURN on April 27, 1944?

A. I was.

3. Q. Were you on board the U.S.S. SATURN at approximately 6:20 p.m.?

A. I was.

4. Q. Will you please tell the court everything you know of your knowledge concerning the fire which occurred on board the SATURN, with particular reference to personnel casualties, location of bodies in the hold, the amount and availability of medical assistance and of medical equipment?

A. The first casualty that I saw was seaman first class Bohler of the fire watch. He came to the sick bay shortly after the fire started. He was burned on his right arm and the right side of his face. He was given medical treatment and turned in to the sick bay. I was standing beside the hold, and they brought another casualty out. He was a Negro, who was burned quite a bit about the face, as far as I know. He was transferred to the hospital by the Naval ambulance. I did not see any more casualties until the fire was out or was subdued enough for us to go down into the hold: I would say approximately 7:00 o'clock; I am not sure of that--approximately. I descended into the hold to the third deck, and there were two firemen on the third deck and approximately fourteen victims. These victims were lying about the edge of the deck next to the opening, face upward. I am pretty sure all of them were faced upward. They were close together, but not close enough to lie on each other. About three of them were within, I would say, four or five feet of the steel ladder, which they could have escaped by. These people on this deck were not breathing, so I immediately told the two firemen that were there to give artificial respiration to the first they came to, and called for more help to come down to help give artificial respiration. More help came down and artificial respiration was started on all of them without any initial examination. Then I turned my attention to the lower part of the hold where a chief pharmacist's mate by the name of Mills was taking care of the medical situation. In the lower part of the hold, there were quite a few men--I would say approximately ten--who were suffering from the effects of the fumes. These were laid in a tray and were lifted out by way of crane; they were lifted out to the pier by way of the tray. I got into the tray as it started, the crane started to lift it out, and on the way out I examined the men as well as I could and I determined that all but one was breathing. These men were from the lower part of the hold. When we got to the pier, I turned over the one that was not breathing to the firemen, who started giving him artificial respiration and using oxygen inhalator upon him. I gave him artificial respiration until we got to the pier while we were in the tray, then I went back to the third deck. I examined the victims, and in approximately eight I found evidences of life--meaning that their heart was still beating. We gave artificial respiration to these eight until one by one their hearts stopped. The last person was pronounced dead at approximately 8:25. None of these men on the third deck showed any evidence of being burned. None of those brought out of the lower part of the hold in the tray

gave or had any evidences of being burned. Of course, this was the result of superficial examination; I did not have time to examine them thoroughly. On the third deck we had approximately - I am not sure - four oxygen inhalators. We used these.

5. Q. Were any injuries to service personnel, other than those received by Raymond Bohler, reported to you?

A. None, except minor scratches.

6. Q. What is Bohler's present condition?

A. Good.

7. Q. The first time you had occasion to go down into the hold, how did you go down?

A. I went down a ladder. There was a temporary ladder put in by the firemen, I imagine. It was not a permanent structure.

8. Q. In your testimony, you located one person as having died in the lowest level of the hold and eight as having died on the third deck. Can you place where the remaining six were?

A. I believe you got me a little mixed up. The fellow that come up in the tray was not breathing when I left him. I left him in the custody of the firemen on the pier, who were giving him artificial respiration. What happened to him further, I do not know. I stated that there were eight who had signs of life. There were approximately fourteen; six of them were dead on the first examination. We worked on eight of them.

9. Q. Did the members of the Navy Yard Fire Department appear to you to be sufficiently trained in artificial respiration so as to be of help to you?

A. Yes.

10. Q. Did you also use members of the ship's crew in giving artificial respiration?

A. Yes.

11. Q. Could you name any individual who gave you outstanding help in your efforts to save those found in the hold?

A. We all worked together; that is, the firemen and ship's crew. No one was outstanding. We all did our best; worked hard.

12. Q. When, to your knowledge, did the first inhalator become available?

A. I would not be too definite, but in about five minutes. That is, on the third deck. When we got that tray out there, the firemen had an inhalator, so an inhalator was there.

13. Q. How many inhalators were there?

A. Four or Five.

14. Q. When did the remaining inhalators become available?

A. I don't know. I say, in the first fifteen minutes.

33. Q. Which marshal had the argument?

A. It was day marshal, that was Bailey. He made the request for the clearance, and I think the night marshal once asked that some of that be cleaned up and it was removed to number 4 hold for him. I don't think any lack of cooperation existed. The amount might have accumulated while the man was there and left, and his judgment might have been changed, I don't know.

34. Q. Did you personally have occasion to visit the U.S.S. SATURN from the time it entered the Yard until prior to the fire?

A. I was on board once in my routine inspections of ships in the Yard. I merely came aboard, walked around the main deck and looked down in the hold and asked the marshal how things were going and he said "fine", and left the ship. I tried to make a look-in all over the Yard.

35. Q. About when was that?

A. A day or two before the fire, I could not tell. I don't know.

36. Q. Had you entered number 3 hold prior to the fire?

A. No, sir.

37. Q. You earlier stated that your duties were "staff". What is your conception of the differences between staff and the duty of other officers?

A. I have had it drummed into me from many angles that my job is advisory in that I report to other Departments in an advisory capacity and, as an advisor, do not have authority to issue direct orders on anything. And by "staff", I mean we act in an advisory capacity, dig up the necessary research, and find the answers to questions that may be given us and make recommendations into the work practice, et cetera, from a safety point of view. However, we make recommendations and only recommendations. All our requests for work leave my office in a form of a recommendation via the Personnel Relations Officer to the authorities or Departments concerned.

38. Q. Briefly and specifically what officers, naming them, have informed you that your duties are advisory?

A. The Personnel Officer, Commander Stutts; Captain Britt, Shop Superintendent; the predecessor of the Captain of the Yard, Commodore McCandlish; and several ship superintendents who at present are not here, and Plant Superintendent, namely Commander P. C. Morgan, and I was given to understand by Commander Davenport when I was assigned. It was thoroughly explained to me by Commander Bradley, the ex-Safety Officer, my predecessor, and again by Lieutenant Commander Koopes, who was Assistant Safety Officer. And I believe it is also stated in the Yard manual under the Personnel Relations set-up. Also by Captain Simmers, who is the head of the Shore Establishment Safety Section, on his recent visit here. The Manual states that I must and should inspect all shops, all buildings and all ships, all piers and all grounds. At present, we have 23 distinct shops in which there are employed 81 separate trades; we have an area of approximately 800 acres and a total number of employees that I must supervise from a safety point of view of approximately 41,000. And as to the ships, a total of 43 berths and 5

dry docks, a buildingways and a building dock and ships under construction. I have a total force to handle these operations of two junior officers, and 32 civilian employees loaned to me by various shops. These civilian employees maintain their shop identity. They carry the shop check number and check in and out of the shop. Their time is kept in the shops. I'm using them in this capacity. We use these men out of trades as safety marshals, because we are unable to hire at the present time adequately trained safety inspectors. In addition to inspection duties, I am also the official superior of every employee in this Yard and must handle all his business between the Compensation Commission and himself, prepare and submit to the Commission all claims for compensation, must investigate and prepare the cases. I also must prepare and kept on file all accident statistics in the Yard. In addition to that, I work with the Industrial Hygiene Officer who handles the sanitation and health of industrial hazards in the Yard, and if it isn't being too conceited I work an average of 12 to 15 and 16 hours a day. For example, I was back in the Yard last night twice. I made an inspection from 9 o'clock to 10:30 and I was back in response to a fire at 12:20 a. m., and it was 3 a. m., before I completed my work on that fire. Actually fire is not included in my direct responsibility. However, it says in my responsibilities that I am to look after the safety and health of the men, and in my opinion a fire is dangerous to the men. Therefore, I am called out on what appears to be a conflagration of any size and I work with the Fire Chief on that. I am also responsible for the procurement, issue, and proper application of all safety equipment in the Yard. When I do that job I act as or I report for additional duty to the Shop Superintendent's office and handle that material under Lieutenant LaGow who is in charge of the tool depots.

39. Q. Did you have any background of safety work before being assigned to duties at the Safety Office in 1943?

A. My background for safety work is based entirely on the fact that previously to my commissioning in the Navy I had been instructor in Physics and Mathematics and was brought here by the Defense Commission in 1940 to aid in the setting up and expansion of the apprentice program in the Navy Yard, and in order to be able to set up the course of study in the various trades, nine tenths of which we had in the Apprentice School, a knowledge of the general trades, safety training came in with it. I worked at that as a civilian until February 14, 1942, at which time I was commissioned a Lieutenant (junior grade), U. S. Naval Reserve, and continued as head of the Apprentice School until March 10, 1943 at which time I was given a set of orders for overseas duty. These orders were cancelled and I was ordered to the Safety Office as Assistant Safety Officer under the following instructions. The reason I remember those instructions so well is that they were given to me under very peculiar circumstances and in such a way, so dramatic that they are difficult to forget. I was told by the Personnel Relations Officer that I was to be assigned to the Safety Department to put the organization in effect, to clear up a difficult situation and make every effort to improve the Yard's safety record, because at that time it was in a deplorable condition both from the point of view of safety and procurement of

supplies et cetera. At that time I reminded Commander Davenport, who was Personnel Relations Officer, that I did not have any experience as a Safety Engineer. His answer was "You don't need any. You just get over there and organize the the ting and read up on it", which I have done. As evidence of my ability to observe things, I think it should be known I have acted as associate professor of mathematics at a university, have an A. B. degree, taught physics, and coached football for years, have a degree in physical education and was in the process of working of my Masters Degree in mathematics and physics when the emergency started. With that background, I was able to absorb considerable theoretical knowledge by study, and in order to accomplish the job it was necessary to study up on the work, and I believe the safety record of the Yard will speak for itself. I should like as a favor to me that the Frequency Record of the Yard from 1941 to the present date be included in this record. I have it here. (The witness produced a chart and tables.)

The chart and tables were submitted to the defendants, the interested party, and to the court and was by the judge advocate offered in evidence. There being no objection thereto, it was so received and is hereto appended marked "Exhibit 23."

40. Q. I show you nineteen photographs, marked "Exhibit 2" through "Exhibit 20" inclusive. Please tell the court the circumstances, if you know them, under which these pictures were taken, and identify the views shown as to the deck level and direction, whether facing forward or aft and port or starboard?

A. The photographs were taken at my request by an enlisted photographer in the Norfolk Navy Yard. This is common practice in the Safety Department, because when we make investigations of accidents for the Compensation Commission and for the Yard, photographs help describe the situation and help keep in your mind what occurred. As a routine matter, the photographer, one Seaman Second Class Lutz, who resides at Barracks "B" Norfolk Navy Yard, took the pictures for me. His instructions were to get as many shots as he possibly could showing as much of the territory as possible.

"Exhibit 2" shows the main deck, port side, number 3 hold after the fire. The picture was taken looking aft showing the port side of the main deck opposite number 3 hold after the fire.

"Exhibit 3" shows the starboard side of the main deck looking aft with the blowers put in position by my people.

"Exhibit 4" is the second deck port side of the second deck looking aft.

"Exhibit 5" is the second deck, camera facing starboard, athwartship view.

"Exhibit 6" is looking aft on the second deck level, showing the scaffolding arranged to allow the access ladder to be placed.

The court then, at 11:25 a. m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the parties to the inquiry, and their counsel, and Ralph J. Underwood, reporter.

No witnesses not otherwise connected with the inquiry were present.

Lieutenant David J. Kieselbach, U. S. Naval Reserve, the witness under examination when the recess was taken entered. He was warned that the oath previously taken was still binding and continued his testimony.

Examination by the judge advocate continued:

40(a) Q. Please continue with your description of the scenes shown by "Exhibit 2" through "Exhibit 20" inclusive.

A. "Exhibit 7", second deck, camera facing forward, bow quarter starboard.

"Exhibit 8", second deck, camera facing aft on the starboard side.

"Exhibit 9", third deck, camera facing aft on the starboard side.

"Exhibit 10", is third deck, camera facing aft, and is a close-up of the port side corner.

"Exhibit 11" is third deck, camera facing aft on the port side.

"Exhibit 12" is the third deck, camera facing forward on the port side.

"Exhibit 13" is the third deck, camera facing forward on the starboard side.

"Exhibit 14" is the second deck, camera facing forward.

"Exhibit 15" is the third deck, camera facing aft from the starboard side.

"Exhibit 16" is a view from the main deck port side into the hold.

"Exhibit 17" is camera facing aft showing the after end of the starboard side of the hold.

"Exhibit 18" is the camera facing aft, starboard side of the lower hold.

"Exhibit 19", camera facing starboard showing the lower forward corner of the hold.

"Exhibit 20" is the camera facing port showing the lower level of the hold on the port side.

At this point the court directed the judge advocate to have each of these exhibits labeled on the margin with a copy of the description of the view shown in each photograph as given by this witness.

41. Q. Will you please tell the court what are the general Yard regulations with regard to smoking by workmen on board ships in commission?

A. To the best of my knowledge there are no specific regulations. From time to time I set up regulations myself which is again where I exceed my authority. The Officer of the Deck will ask me to furnish him with "No Smoking" signs or I will instruct my safety marshals to put up "No Smoking" signs which they do.

42. Q. Do you know whether any such specific action was taken with regard to smoking on the USS SATURN and particularly in hold number 3 thereof?

A. I don't know of any specific actions being taken.

43. Q. Did your safety marshal ever report to you that there was smoking going on on board the USS SATURN and in particular number 3 hold thereof?

A. I can't remember. His report calls for it, but I don't remember it. He did not bring it to my attention. May have gone under my hands in the mass of general reports. I get a report of every ship twice a day from my subordinates of a general nature.

44. Q. Do you have any comments with regard to safety practices and the administration of safety engineering in this Yard, with particular reference to the fire which is the subject of the inquiry, which might assist the court in making findings or recommendations towards the prevention of future disasters such as this? If so, please give such comments to the court.

A. As is common practice in large companies or municipalities, the safety director who would be in a similar position that I am, first reports to the president of the company or direct to the mayor or some one very high in the organization. He is directly responsible for fire prevention, accident prevention, industrial hygiene hazards, and he has specific duties that are outlined by the governing body. I feel that if the Safety Department in this Yard is to take its proper position, I believe the Safety Officer should have control over the Fire Department in its inspections and should know of those inspections, particularly fire equipment, hydrants, et cetera. I also believe this Yard, as large as it is, should have in the fire company a rescue squad especially equipped to handle just such instances as this. Such a recommendation is in the process of being written up by myself to the Fire Chief for consideration by the proper authorities. Also, I sincerely believe that the Safety Department should be provided with, though I understand they can't get them, proper personnel to carry out their duties. By proper personnel I mean that instead of assigning me men who are misfits and unhappy in their own trades and dumping them on me to handle that a better grade of man be assigned.

Examined by Lieutenant Lemmon, a defendant:

45. Q. In your previous testimony you indicated that you were present shortly after the fire began on the SATURN?

A. I was.

46. Q. About how soon after the fire began did you arrive?

A. I can't give you a definite time. In relation to activities that were going on at that time, the fire company's truck was being coupled to the hydrant on the southeast corner of the machine shop and one company was getting lines aboard the ship. Smoke was coming out of the hold.

47. Q. Will you describe this smoke coming out of the hold? Was it in huge black billows or completely filling the opening to the hold or just what was this smoke like?

A. Black clouds, billows filling the hold up, when I saw it.

48. Q. Did you immediately go below decks upon your arrival?

A. Not immediately. I went to the base of the ladder of the ship, climbed aboard, and went over to the coaming hatch. Lot of smoke and a ladder was being rigged up to go in the hold, and I stepped aside. The corpsmen came, I don't know from where. Then I followed down the ladder after I think the Fire Chief had gone down in there.

49. Q. Was the smoke still pouring out of the hold?

A. Lot of smoke, yes sir.

50. Q. Would the ordinary person have been brave enough to go through this smoke into the hold?

A. I went into it. Afterwards, I know. We did not go immediately. Considerable smoke. The Chief went in, that was his business. I don't think the ordinary person would have.

51. Q. Had you had previous experience around fires?

A. Yes, sir, I spent my life around them. My father spent 31 years in the Cleveland Fire Department. I was born and raised right next door. I have served considerable time in volunteer fire departments and was in charge of the fire fighting brigade while in college.

52. Q. Do you believe that the men working in the ship upon seeing this large volume of smoke would back away from it or go into it, making an effort to get out of the hold?

A. I think they would have backed away from it. I have heard my father comment it was difficult to teach a fireman to face smoke. They don't like to face too much smoke when they can't see what is on the other side. The local Fire Chief, in discussing this with him, said he had the same trouble here, and we laughed about it. In fact he offered me a job on his Fire Department if I wanted it.

53. Q. After the fire had been extinguished and the smoke cleared out, did you notice any staging or scaffolding between the deck levels in the forward part of this hold?

A. Yes, there was staging there throughout the hold. Hand rails and on it some large horses.

54. Q. Do you think that it would have been possible to climb from the tank top to the main deck over this scaffolding and staging and decks?

A. Yes, I believe it would have been because down in New Construction I have watched them leave the ships. They use the handrails all the time. One of the things I have complained about - getting off the ships in New Construction. They come right down over it like monkeys.

55. Q. Could more than one man have gotten up over that scaffolding and staging at the same time?

A. On, yes, sir, ample room in there for more than one man to get up easily.

56. Q. Considering the additional difficulty of climbing up and over a staging, how long do you think it would take a man to climb from the tank top to the main deck?

A. I would say maybe a minute, if slow.

57. Q. Is it your opinion and from your experience that the men working in the ship probably backed away from the opening because of the smoke, rather than go through the smoke and up and over the scaffolding and staging to the main deck of the ship?

A. I would have to call upon my memory for some testimony I had given to me by some of the injured men themselves who admitted they backed away and sat down on the lower level, covered their heads with their coats and handkerchiefs to wait for someone to come and get them, because the smoke was coming from the third deck and they were below that in the bottom. One of my safety marshals had a burner come and cut an access from the engine room into the lower level of the hold and permitted some of the men to get out that way.

58. Q. Have you ever known to your own knowledge or has it ever been reported to you by any of your men of my failure to comply with any recommendations made by you or your men?

A. No, it has never been called to my attention in any way, shape or form that you have ever failed to comply.

59. Q. In view of the fact that you have made a statement to the effect that you have had experience at fire fighting, has there ever been an instance in your career where you know definitely men trapped by smoke elected to remain in a hazardous location rather than walk through the smoke to safety?

A. You no doubt have reference to the fire in the Hiram College chapel for which I have a citation for rescuing some of my classmates. They elected to stay in a hazardous location on the balcony rather than walk across the hall or descend the steps. We had to carry them out.

Examined by Clifford D. Short, a defendant:

60. Q. You made a statement in your testimony that some of your safety marshals encountered an uncooperative spirit among the civilian supervisors. For the benefit of the record would you clarify what supervisor you meant in number 3 hold?

A. I believe it was shop 71. They wanted to remove the cork in there, not to hold up shop 61 and shop 61 wanted enough to keep the men going.

61. Q. Was there to your knowledge ever any complaints lodged against the supervisor of shop 26 who was in charge of welding and burning in number 3 hold?

A. I can't answer that. Minor complaints would not have come to my attention. There were no major complaints. Had there been I would have dealt with the operation myself and I would have known you.

62. Q. In view of that fact is that in itself indicative that the welders and burners were using all the safety precautions possible?

A. That I can't answer. I did not know what you were doing. You may have been cooperating with the marshals doing all he asked you to do or you may not have been. Had you failed in any major respect, he would have included that with the vital information. I would have been informed. I would have taken it up directly with you or your quartermaster. There was no major complaint against you people.

Examined by Lieutenant Commander Marshall, interested party:

63. Q. You inferred in testimony this morning that by virtue of having had stressed to you that your job was primarily advisory you were placed in a peculiar situation in that you had to ask the officer of the deck's permission to come aboard a vessel. Is that true?

A. Yes, that is true. I would like to quote an example. I was ordered off a vessel in this Yard and told by the Executive Officer that he was able and well able to take care of anything aboard his ship.

64. Q. That was not the U.S.S. SATURN, was it?

A. No, sir.

65. Q. Is it not true that any officer in the Navy not attached to a ship, through long tradition and custom must request permission of the officer of the deck to come aboard?

A. Yes, that is true.

66. Q. Then you in that respect were in no more peculiar position that was Captain Quarton or Lieutenant Lennon, the Ship's Superintendent?

A. No different position than any man in the Yard, sir.

67. Q. You mentioned that your safety marshal had reported to you that there was a considerable amount of rubble in the hold that needed cleaning and word was passed along among the safety marshals to "Watch number 3 hold". I would like to ask what date that report first came to you?

A. About the 24th or thereabouts, couple of days before the fire.

68. Q. What specific action was taken about it? Who was that condition reported to so it could be corrected?

A. There was not a specific condition. By calling to my attention "to watch it" - a ship gets hot, by that I mean the work gets rushed, gets close to the end, that is why I tell them to be specifically careful and watch that job and your work on number 3 hold of the USS SATURN was hot. You are trying to do a job in lot less time. You can't do it without a considerable amount of pressure, and I have tipped the boys that it was a "hot ship" and to "keep your eyes on number 3 hold".

69. Q. Reference was made to a specific accumulation of rubble and trash in that hold which the safety marshals apparently noticed and I would like to find out what action was taken to eliminate that condition?

A. The safety marshal went to the leadingman laborer and told him the debris was accumulating in the hold and asked him to remove it, and it was removed from time to time, which is our customary procedure.

70. Q. Do you consider that your safety marshals have sufficient experience and background in industrial safety methods to be adequate as such?

A. I do not consider as such. They are welders or journeymen in some trade sent to me and we have been training them for a period of approximately three months and I don't believe they were what you would say engineers.

71. Q. What instructions do they receive?

A. With particular reference to the normal safety appliances on machinery, possibly for accumulation of gases, and so on, when practicable.

72. Q. Do they receive specific instructions to that effect, or are they left strictly on their own common sense or natural intelligence?

A. They have been given or shown two films, two lectures on toxic gas accumulation in confined spaces from the Industrial Hygiene Officer and a movie I purchased from the Navy Department on ventilation and have been given talks by the Safety Engineer, the civilian Safety Engineer that is here, and have been handed copies of the Yard's instructions on explosive spaces and have been handed the Navy Department's general rules and regulations and with this information and background the rest is left up to common sense.

Examined by the court:

73. Q. A while ago you gave your estimate that a man could get from the tank tops to the first deck in about a minute by using the platforms and scaffoldings in the hold. Is it your intention that the man use the ladder provided or go up hand over hand?

A. My intention was that he use the ladders provided, but in event of emergency, any exit could be used in an emergency.

74. Q. How long do you think it would take an average strong man to go from that hold to the weather deck, hand over hand up a rope, over the scaffolding or fire hose?

A. I don't know. I am basing my estimate on a test we took in school and we figured a man ought to be able to climb hand over hand up a rope 25 feet long in about 20 seconds. That was for an average college student who was seeking a grade in physical education.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

I believe in further outlining my duties in this Yard I would like to state that I also act as ex-officio as Rationing and Transportation Officer and the liaison officer between the Yard and the various O.P.A. boards and the Office of Defense Transportation and have assisted in unsnarling part of the local transportation difficulties. I had that office added to my administrative care on December 10, 1943. That office has been moved to building 400 approximately two weeks ago. However, the officer who was to relieve me of those duties as Transportation Officer has not reported, and I am still functioning ex-officio over that little ball game. I do have excellent assistance in the form of warrant electrician and Lieutenant Doyle, who I would say takes around 90% of the routine off me. I now only have to certify the Office of Defense Transportation certificates and I shall be relieved of that within the next few days when Ensign McKensie reports. I believe that should be included in the record as evidence that I have tried my best to perform my duties and fulfill the assignments entrusted to me by the management of the Yard.

Re-examined by the court:

75. Q. Approximately what percentage of your time has been devoted to duties other than specific safety duties over the past quarter?

A. I could not give you an estimate of that. Instead of ending my day at any given hour, I stayed on in the Yard and worked as long as necessary. I could not tell you what percentage of time is devoted to it. Right now I am back in the Yard on my safety work two or three hours practically

every night after I put in my regular routine in the office. I feel that my presence on the night force aids in their handling cases and in getting things done much better, and I feel it is my duty be here, so I get here. I would like to add that if at all convenient it would be a great help to the Safety Officer were he provided with quarters in the Yard so he could get to these places in a hurry and avoid driving in and out to my home as I have been doing for the past year.

76. Q. Have you ever had occasion to report to any of your seniors the fact that your other duties interfered with your safety duties?

A. No, sir, I did not report interference because I understood from the beginning that the arrangements were of a temporary nature. I was filling a gap for them until the other personnel could be assigned as the Navy puts it - "fleeting up". As I thought it was my duty, I just did the job, that is all. I know they understood and made allowances for my load. I know that they have assisted me in every way shape or form of anything I have ever requested of any of them.

77. Q. How long have you been on these extraneous duties in addition to the safety duties?

A. Since December 10, 1943.

78. Q. Which of your duties do you consider paramount?

A. My safety duties; I did these during the day and would allow the other duties to accumulate, and I would take over those after 4:30.

79. Q. Is it the intention of that answer to mean you devoted yourself exclusively to safety duties during the working day and the extraneous duties out of hours?

A. The intention of that answer was to mean I spent 90% of my time on my safety duties during the day and handled only very urgent transportation duties during the day. The rest of the work was done at times in the evening. When my commanding officer found out I was working "overtime", as he put it, he immediately requested an additional officer be assigned to help me out and get the transportation duties off my hands, and they have been seeking such an officer for some time but a qualified person has not been available.

None of the parties to the inquiry desired further to examine this witness.

The court again informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by the judge advocate entered, duly warned, and informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rating, check number, and present address.

A. James Bailey, 72-353, Ivor, Virginia, third class rigger.

2. Q. To what activity in the Navy Yard are you now attached?

A. Safety office under Lieutenant Kieselbach.

3. Q. How long have you been assigned to the Safety Office?

A. About last time I went was on 10 January.

4. Q. About how much time previous to that have you worked with the Safety Office?

A. About a year and a half before that.

5. Q. Did you do any safety work prior to your being employed in the Yard?

A. No, sir.

6. Q. Were you assigned to the safety duties aboard the USS SATURN prior to April 27, 1944?

A. Yes, sir.

7. Q. When did you start your duties aboard the USS SATURN? What date?

A. As soon as it arrived at Berth 32. What date I could not recall.

8. Q. On what shift do you work?

A. From 7 a. m., to 4:45 p. m.

9. Q. Did your work include the inspection of number 3 hold?

A. Yes, sir.

10. Q. Did or were you in number 3 hold of the USS SATURN on April 27th?

A. Yes, sir.

11. Q. Did you see welding and burning going on in that hold that day?

A. Yes, sir, I saw one welder in there the last time I was on the ship, about 3 o'clock that evening.

12. Q. Did you see cork slabs being prepared for laying on the deck in number 3 hold?

A. Yes, sir, I saw some. No great deal though.

13. Q. Did you notice welding and burning going on simultaneously with the preparation of cork slabs in the hold?

A. No, sir, I did not notice it.

14. Q. You don't remember, or did not see it?

A. I did not see it.

15. Q. Did you inspect the holds with regard to means of access prior to April 27th?

A. Yes, sir.

16. Q. What was your impression as to the means of entering and leaving the hold?

A. Well, they had ladders leading out from that bottom

deck all the way to the top.

17. Q. In your opinion were those ladders adequate to enable the men to leave the hold in the event of fire or other disaster?

A. Now I don't really say. If there had been one long ladder all the way from the top to the bottom it would have been better the way, than the way they were arranged.

18. Q. Is the court to understand that on April 27th, you did not consider the means of leaving the hold as adequate in the event of disaster?

A. The way the fire was there wasn't. But in any other case, yes.

19. Q. Before the fire did you consider it so?

A. Yes, could go up nicely before the fire.

20. Q. Did you think there might have possibly been a fire?

A. No, sir.

21. Q. Did you notice during the period of time you were fire marshal that men smoked within the hold?

A. Yes, sir.

22. Q. Was there any smoking on the 27th within the hold?

A. I could not say exactly. I don't know. I guess there was. Most likely there had been smoking all the while.

23. Q. Did you object to this smoking?

A. No, sir. We had no instructions to keep any one from smoking.

24. Q. What are your duties as safety marshal?

A. See that there is not so much trash, and not welding sparks dropping in the trash or cork, whatever there may be, anything inflammable.

25. Q. Did you notice painters at work at any part of hold number 3 on April 27th?

A. No, sir.

26. Q. Were you actually within the hold at 3 o'clock on the afternoon of April 27th?

A. I would not say exactly at 3 but near 3.

27. Q. Did you go on all deck levels of the hold?

A. Yes, sir.

28. Q. Did you notice persons in some manner working with slabs of cork insulation on that afternoon?

A. I would not like to say for sure. I don't really know. Whether had seen it, or whether I saw it at that time, I can't say I did see it.

29. Q. Had you prior to that time noticed persons working with cork in the hold?

A. Sure I had seen it.

30. Q. And what were they doing to the cork?

A. Laying it and putting boards over it. What you call decking.

31. Q. Were they putting any sort of a paint or compound or solution on the deck before laying the cork?

A. They put tar down a day or two ahead. It was not tar but real heavy.

32. Q. Were they applying any sort of paint or solution to the blocks before laying it down?

A. I did not see it.

33. Q. Then you directed your attention solely to the trash that was in the hold?

A. Yes, sir, I did.

34. Q. Did you pay attention to anything besides the trash?

A. Yes, sir, anything in the safety line, staging or scaffolding, or whatever you call them, welding and burning.

35. Q. Do you have any occasion to object to any welding or burning going on in the hold?

A. No, sir, not in that one.

36. Q. Do you have occasion to object to carrying quantities of cork into the hold?

A. No, sir. I never did see great deal of cork in there at one time. They kept that over in number 4 hatch or hold. As they needed it, they brought it over.

37. Q. Did you on any hold in the ship engage in conversation or argument with any supervisor with regard to the bringing of large quantities of cork into the hold or other parts of the ship?

A. No, sir.

38. Q. When you inspected the hold at 3 o'clock on April 27th, it was your opinion that everything in the hold was proceeding with due regard to safety precautions?

A. Yes, sir.

39. Q. Did you so report that to the Safety Officer?

A. Yes, sir. Only the hose and cables, were right many of those on the bottom of the hold. We have a report to make out each day on each ship we work. I have had, I think, it was six ships that day that I had to work. Of course I could not spend but so much time on that one.

40. Q. Is that the general practice in the Yard, that each safety marshal has several ships?

A. Yes, sir, most of the time. Like the CV-38 and CV-39, two men to each one of those on New Construction. On repair work, a man has anywhere from six to eight ships to look at.

41. Q. Does the safety marshal having control over a number of ships have any assistance with regard to the safety measures?

A. Some.

42. Q. From whom?

A. We get our instructions from Lieutenant Kieselbach.

43. Q. As far as you can recall, the only hazard you saw on board the SATURN on April 27th was the danger of tripping and falling into the bottom of the hold?

A. Yes, sir, and some little trash. I would not consider it a great deal.

44. Q. Those were the only hazards you observed?

A. Yes, sir.

45. Q. Did you observe how the hold was ventilated?

A. They have those large blowers sitting on the main deck with blower bags attached to them blowing the fresh air into the ship.

46. Q. How many were used on number 3 hold on the 27th?

A. I don't believe there was more than one.

47. Q. Where did they lead?

A. Most of them led to bottom of the ship.

48. Q. You just testified there was only one.

A. Each one has about three bags to a blower. I would say two of the bags went to the bottom of the ship.

49. Q. Were there any other means of ventilation?

A. No, sir.

Examined by Lieutenant Commander Marshall, interested party:

50. Q. The blowers that were installed on the main deck, to provide air, were they installed by the safety people?

A. I think by Shop 51 put those in to bring those fumes and stuff such as that out of the hatches.

51. Q. Were they installed prior to or after the afternoon of the fire, or do you know?

A. This one was in there before the fire. It was also in there at the time the fire occurred. Burnt those bags during the fire.

52. Q. Were they supply or exhaust blowers?

A. Supply air into the hold.

Examined by Lieutenant Gill, a defendant:

53. Q. Do you recall in your observation at all what means of fire fighting was in that hold, what apparatus?

A. They had I judge a 1-1/2 inch water hose running into there and fire extinguishers. Some four or five of those pump extinguishers.

54. Q. Would you consider that apparatus adequate, sufficient for the type of work being carried on?

A. Yes, I did if it had been used in time, should have taken care of it, looked like to me.

Examined by the court:

55. Q. In question put to you by the judge advocate as to what was the purpose of this blower rigged on the main deck, you stated it was put there to pull that stuff out of the place. In your last question you were asked what was this, a supply blower and what you said it was? Which was it,

a supply blower or an exhaust?

A. Blowed air in to the hold.

56. Q. How did you expect it to "pull that stuff out of the hold?"

A. If you put fresh air in it is bound to blow the stale air out.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval Reserve, an interested party, was recalled as a witness by the judge advocate and warned that the oath previously taken by him was still binding.

Examined by the judge advocate:

1. Q. Are you the legal custodian of the official log of the USS SATURN? If so, produce it.

A. I am. Here it is.

The log was submitted to the defendants and to the court and was by the judge advocate offered in evidence for the purpose only of reading into the record such extracts therefrom as show wind and weather conditions on the evening of 27 April 1944. There being no objection, it was so received.

2. Q. Please read all entries in the log of the USS SATURN indicating wind and weather conditions at 1800, 1900, and 2000 on the evening of 27 April, 1944.

A. Data sheet of the log indicates that at 1800 on April 27 the wind force was force 1, north northeast, dry bulb temperature 62, wet bulb temperature 62. The weather by symbols indicates overcast and drizzling, clouds moving from north northeast, amount 10. There is no barometer reading in the log due to the fact that the ship's barometers are all in the shops being calibrated. At 1900 the only change is a drop in temperature to 60 degrees both wet and dry bulb. No change in wind, weather or clouds. At 2000 the only change is a further drop in temperature to 58 degrees.

None of the parties to the inquiry further desired to examine this witness; the witness resumed his seat as an interested party.

The judge advocate informed the court that the remainder of the record of proceedings for the sixth day of the inquiry was now ready, and this was read and approved.

The court then, at 4:15 p.m., adjourned until 9 a. m., tomorrow.

EIGHTH DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Saturday, 6 May 1944.

The court met at 9 a.m.

Present:

Captain William D. Brereton, Jr., U. S. Navy, president;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members; and
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate.

Lieutenant Henry P. Gill, U. S. Naval Reserve, defendant;
Lieutenant Ernest D. Lennon, U. S. Naval Reserve, defendant,
and his counsel;

Clifford D. Short, Norfolk Navy Yard, check number 26-133,
defendant; and

Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval
Reserve, interested party.

The record of proceedings of the morning of the seventh day
of the inquiry was read and approved. The judge advocate
stated that the record of proceedings of the afternoon of the
seventh day of the inquiry was not ready. The court decided to
postpone the reading of this record until such time as it shall
be reported ready, and in the meantime to proceed with the in-
quiry.

Richard T. Bolling, clerk-stenographer, Norfolk Navy Yard,
reporter, entered.

No witnesses not otherwise connected with the inquiry were
present.

A witness called by the judge advocate entered, was duly
shown, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rate, and present station.
A. Raymond Warren Bohler, seaman 1st class, USS SATURN.

2. Q. How long have you been attached to the USS SATURN?
A. A year and about six months, sir.

3. Q. Were you on duty on board the USS SATURN on Thursday,
April 27th?
A. Yes, sir.

4. Q. What was your duty?
A. Fire watch, Number 3 hold.

5. Q. If you know, please state how you were assigned to this
duty?
A. Was assigned down in the hold with equipment, fire
equipment.

6. Q. Are you on the list of fire watches on board the ship?
A. Yes, sir.
7. Q. When did you go on watch?
A. At 1545; quarter to four, sir.
8. Q. When did you first know that you were to go on the watch?
A. In the morning.
9. Q. How long were you to be on the watch?
A. Four hours.
10. Q. Had you previously acted as fire watch in Number 3 hold?
A. Yes, sir.
11. Q. When you went on watch, did the ship have a list?
A. Yes, sir.
12. Q. About how much of a list?
A. You mean--(not completed).
13. Q. Was there a list in the ship? Did it tilt?
A. No, sir, I don't think there was.
14. Q. Was the ship listing?
A. I didn't recognize it, sir.
15. Q. Who else from the ship, if anyone, was on fire watch at the same time you were?
A. I was the only one, sir.
16. Q. How do you know you were the only fire watch in Number 3 hold?
A. I was on the alert; I was watching everything.
17. Q. Where were you stationed in the hold?
A. In the third deck, sir.
18. Q. Were you ordered to stay on the third deck alone?
A. No, sir.
19. Q. What were your orders?
A. Just stay in the hold and watch where the welders were welding and the cutters were cutting.
20. Q. Why were you on the third deck after you went on watch?
A. Well, there was a welder, he was up underneath the deck; they had tar all over the deck and it would catch up every now and then. I would shoot a little water on it and put it out. I was staying close by it to see that it would not get out of control. I was putting it out just as soon as it flamed up.
21. Q. On what side of the deck was that?
A. On the port side.

22. Q. Was this man on the deck above a welder or a burner?
A. He was a welder. He was underneath the deck; I couldn't see him. Tar was on top of the deck; it would flame up.
23. Q. What equipment did you have in the hold with which to fight fires?
A. I had a CO₂ fire extinguisher and a water pump.
24. Q. Was there only one CO₂ fire extinguisher in the hold, or can't you say?
A. It was on that deck; I couldn't say, sir.
25. Q. Did you on that day observe any of the Yard workmen smoking in that hold?
A. No, sir, I wasn't noticing.
26. Q. Had you, in your previous fire watches, observed any smoking in the hold?
A. Yes, sir, I have.
27. Q. And was that a general practice, so far as you know?
A. Well, they do smoke in there pretty often.
28. Q. Did you observe any other welders working in the hold in addition to the man you just testified to?
A. Yes, sir.
29. Q. And were there any burners working in the hold?
A. No, sir, I didn't notice any.
30. Q. Were there any painters applying paint or compound in this hold, after you went on watch at 1545?
A. No, sir, I didn't notice any.
31. Q. Did you notice cork blocks being prepared?
A. Yes, sir, earlier in the day, I did. I seen them applying some kind of black stuff over the cork.
32. Q. To what was the black stuff being applied?
A. To the cork.
33. Q. Could the cork have been painted in the hold after you went on fire watch and you not observe it?
A. Yes, sir, I guess it could.
34. Q. Did you observe any cork being laid on the starboard side of the third deck on which you were fire watch?
A. Yes, sir, I noticed it over there.
35. Q. How much?
A. There was a pile about four foot high; it was about that; I couldn't say exactly, sir. It was a right smart bit.
36. Q. Was it in more than one pile?
A. No, sir. It was kind of scattered about.

37. Q. Where was this pile of cork located, exactly where, as nearly as you can tell?

A. It was near the starboard side, about the middle of the deck.

38. Q. And had the cork in this pile been treated with the dark paint or rather compound?

A. Yes, sir.

39. Q. When did you first notice the fire that caused all the difficulty?

A. Noticed it about immediately; it was a small flame.

40. Q. How was your attention called to it?

A. I was watching the other two welders and watched this guy that was welding underneath. I just glanced at him and saw it and ran right over to the CO₂ extinguisher.

41. Q. You say you were watching some welders?

A. Yes, sir.

42. Q. Where were those welders working?

A. One of them was in the forward end of the hold in the starboard side and one was up middle way.

43. Q. On what deck?

A. Same deck that I was.

44. Q. Where was the other one working?

A. He was up on the first deck, welding in another deck.

45. Q. By the first deck, do you mean the main deck or the deck immediately below the main deck?

A. Main deck.

46. Q. Where were you standing when you watched these welders?

A. I was standing just about the edge of the hold where they cut to go deeper; just a little bit forward of the after end of the hold.

47. Q. What side?

A. Port side, sir.

48. Q. Why were you watching these welders?

A. Because it was my duty, sir.

49. Q. What about the welding operation connected it with your duty?

A. I didn't understand you, sir.

50. Q. What about a fire watch had to do with your paying attention to these welders?

A. Because it was my duty.

51. Q. Were there sparks flying from the welding operation?

A. Yes, sir.

52. Q. And what was becoming of those sparks?

A. Falling on the deck, sir.

53. Q. On which deck?
A. Falling on the bottom of the hold and in the deck on which I was standing.
54. Q. Whereabouts on the deck on which you were standing were those sparks falling?
A. On the starboard side where cork and stuff was laying.
55. Q. What called your attention to the fire?
A. Nothing in particular; I just saw it over there and ran right over.
56. Q. How large was the fire when you first saw it?
A. Just small flames; just that height (indicating about 12 inches with hands).
57. Q. Where was the fire?
A. It was on the starboard side.
58. Q. Was the fire in the pile of cork or was it elsewhere?
A. It was in the cork, sir; over behind the cork. I mean just stacked up like that (indicating) and kind of in between.
59. Q. Did it spread appreciably before you reached it?
A. Yes, sir.
60. Q. What steps did you take to put out the fire?
A. I turned CO₂ on it.
61. Q. What was the result of your using CO₂ extinguisher?
A. It didn't seem to do much good, sir.
62. Q. Did you apply the CO₂ immediately above the fire or from a distance?
A. From a kind of distance.
63. Q. About what distance?
A. About a foot and a half, or two foot.
64. Q. After the CO₂ did no good, what did you do then?
A. Well, then it got out of control, sir. When I was trying to put it out, it got to be big flames and started smoking.
65. Q. Would you say that there was something like an explosion or was there just a rapid spread of the fire?
A. Just rapid spreading of the fire.
66. Q. Was any attempt made to put water on the fire?
A. Yes, sir. There was a hose going all the way down to the bottom, but I couldn't get to it; I tried to, but the flames were in my way.
67. Q. Did you observe whether or not any Yard workmen attempted to put water on the fire?
A. No, sir.

68. Q. Did you see what the Yard workmen, working on that side of the fire, did when they sighted it?

A. No, sir; I didn't notice.

69. Q. Did you see any Yard workman go up the ladder?

A. Yes, sir; he was yelling, telling the others to get out; he was yelling on the topside, telling the guys there was a fire.

70. Q. Did you go up the wood ladder or the steel ladder?

A. Wood ladder.

71. Q. Did you see anybody going up the steel ladder? Could the steel ladders have been used?

A. I don't know, sir; I didn't observe it very much.

72. Q. What did you do after you saw that the CO₂ extinguisher was not going to put out the fire?

A. Well, sir, I threw it over into the middle of the fire and go out myself.

73. Q. How did you go up?

A. Up the wooden ladder.

74. Q. Was the wooden ladder burning at that time?

A. I don't know, sir.

75. Q. Did you notice anyone follow you up the wooden ladder?

A. No, sir. When I got up on the top, I slipped and fell down, and I am sure no one was behind me.

76. Q. Did you see anybody ahead of you on the wooden ladder?

A. No, sir.

77. Q. When you went up the wooden ladder for the second time, did you notice anyone following you?

A. No, sir; I don't think so.

78. Q. Was the wooden ladder on fire when you went up the second time?

A. I didn't notice, sir.

79. Q. How far was the ladder from the pile of cork?

A. About five foot, I would say, sir. Oh, no about, eight foot.

80. Q. Which way did the smoke and flames tend to go: forward, aft, or straight up?

A. It come out this way (indicating) and went high up.

81. Q. Do you mean straight up or going forward or aft as well?

A. I didn't notice; I just seen it going straight up.

82. Q. When you went up the ladder, did you notice any fire on the second deck?

A. No, sir.

83. Q. When you went up, did you notice any persons on the second deck?

A. No, sir, I didn't. When I was going up on the main deck, there were some men in front of me and one man behind me.

84. Q. On the ladder behind you?

A. Yes, sir; I didn't notice but one.

85. Q. Were you able to see clearly as you were going from the third deck or was the hold beginning to fill with smoke?

A. It was beginning to fill with smoke, sir.

86. Q. About how long would you estimate, after you first saw the fire, that you left the third deck?

A. I would not know, sir.

87. Q. Were there any water-type pumps for fire fighting located on the third deck?

A. Yes, sir; there was a water pump to pump water, and a little stream comes out.

88. Q. How many?

A. Just one, sir; I didn't see but one.

89. Q. Where was that located?

A. I was using it to put the other flames out, you know where the tar was busting up.

90. Q. Did you notice any other water-type extinguishers?

A. Not on the third deck, sir.

91. Q. Did you ever at any time, this time or any other time you were on fire watch in that hold, observe any other men from the ship on fire watch?

A. Yes, sir.

92. Q. What?

A. Yes, sir.

93. Q. Were they on watch at the same time you were?

A. No, sir, not at the same time I was.

94. Q. Did you ever at any time observe more than one man on fire watch in that hold?

A. No, sir.

95. Q. At the same time?

A. No, sir.

96. Q. Then the other men that you saw on fire watch in there were standing their watch, regular watch, and then they would be relieved by another man; is that correct?

A. Yes, sir.

97. Q. You were standing a regular fire watch; you relieved another man, and another man was to relieve you; is that right?

A. Yes, sir.

Examined by Lieutenant Lennon, a defendant:

98. Q. Did you observe at about the time the pile of cork was on fire that any welding sparks were falling at that spot?

A. Yes, sir, I did.

99. Q. Where was the welder located who was making the sparks that fell on the place when the cork ignited?

A. He was welding on the first deck, and the sparks were falling in the bottom of the hold on this third deck.

100. Q. Sparks were falling on the third deck?

A. Yes, sir.

101. Q. At what part of the third deck were sparks falling?

A. Just on the edge of it.

102. Q. Just on the edge of the deck?

A. Yes, sir.

103. Q. How far was that from the pile of cork that you saw on fire?

A. It was falling into the cork.

104. Q. Didn't you state a moment ago that the pile of cork was back about the middle of the deck?

A. I don't know, sir.

The defendant requested permission to show the witness a sketch to clarify the position of the cork. Permission was granted, and the witness was shown a pencil sketch and continued his testimony as follows:

105. Q. Can you indicate on that sketch where the pile of cork was that became ignited?

A. It was right along in here (indicating aft of mid point on edge near coaming). There was a lot of cork right over in here, sir.

106. Q. How far back from the hatch opening were those piles of materials?

A. It was right up against it, just about, the cork. Sparks were falling down here and going on down into the hold.

107. Q. Then was it the inboard side of the pile of cork that became ignited or the outboard?

A. Right in here; why, the inboard side.

Examined by Lieutenant Commander Marshall, interested party:

108. Q. Bohler, were you a part of the permanent fire watch assigned to Number 3 hold, or were you assigned as a fire watch to a specific welder?

A. I was assigned to the whole hold, sir.

109. Q. When you saw that the welders had no fire watches with them, why didn't you notify the Officer of the Deck?

A. I don't know, exactly, sir; I don't know.

110. Q. In all the times that you were assigned duties as fire watch since we were in the Yard this time, had you ever been assigned as a fire watch specifically for any specific welder rather than a permanent watch in the hold?

A. Yes, sir.

Examined by Clifford D. Short, a defendant:

111. Q. In your testimony you have stated that the pile of cork on the starboard side on the third deck was next to the coaming of the inboard side of the hold?

A. It was at the edge of the hold, sir.

112. Q. Yes?

A. Yes.

113. Q. Did you see down there this ladder that came from the bottom deck to the third deck?

A. I had seen it, but I wasn't noticing it then.

114. Q. If a man coming up that ladder, walking aft to go up the ladder from the third deck to the second deck, would he have room enough to walk between the edge of the hatch and the pile of cork?

A. You mean when it was burning?

115. Q. No. Under ordinary circumstances, the pile of cork is here (indicating), and the edge of the coaming is here (indicating). would that man have room enough to go between the coaming and the cork?

A. He would.

Re-examined by the judge advocate:

116. Q. Would you recognize the welder, sparks from whose work you saw falling on the pile of cork, if you saw him?

A. No, sir.

117. Q. Were you hurt in this fire?

A. I was burnt, sir.

118. Q. How much, and about where, and how badly?

A. I was burnt around here (indicating his right ear) and on my right arm.

119. Q. How are you feeling now?

A. Fine, sir.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The judge advocate stated that he had no more witnesses.

A witness called by Clifford D. Short, defendant, entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate.

1. Q. State your name, rating, check number, and present address?
A. Oscar Ogle, welder second class, check number 26-5371.

Examined by Clifford D. Short, a defendant:

2. Q. Mr. Ogle, will you tell the court your exact whereabouts that you were working at the time of the fire?

A. Well, I was right on top the hold, right on the top where they were blanking off; the top part of the hold.

3. Q. What deck was that?

A. On the last deck; the main deck is in the top.

4. Q. In what hold?

A. In Number 3.

5. Q. Where you working on the port or starboard side?

A. I was about amidships, midway of the hold. Had a plate down on the stiffener where they were putting it in.

6. Q. Were you working?

A. No, I wasn't working at the time being.

7. Q. At the time that you first noticed the fire, were you working?

A. No, I wasn't working. It had been about five minutes or more before.

8. Q. You say you were not working five minutes before the start of the fire?

A. Yes, sir.

9. Q. Why.

A. Because they weren't ready for me at the time. They were putting a plate down; just had the crane hooked to it. They were letting it down; it was on the stiffener, they hadn't set it.

10. Q. You were waiting on the shipfitters?

A. Yes, sir.

11. Q. During the five-minute period that you were standing there, did you see any fire falling from above you?

A. No, sir, I didn't.

12. Q. Were you in a position to see any fire falling, if it had fallen?

A. Yes, sir; could have, if it had been over me, but not if it had been below me. I was onstaging just under it.

13. Q. I was speaking about above you?

A. Yes, sir.

14. Q. Was that for the same period about five minutes before the fire?

A. Yes, sir.

15. Q. How was your attention first called to the fire?

A. I heard someone in the hold hollering. I had lit a cigarette. You know there was no room for me to stand, so I was sitting on the staging underneath the deck. I had lit a cigarette when I heard someone holler in the hold.

16. Q. Now, it is your intention to tell the court that you were on the staging between the second and main decks, in the forward end of the Number 3 hold?

A. That is right.

17. Q. But you weren't welding?

A. No.

18. Q. Hadn't welded for a period of five minutes before the fire?

A. That is right.

19. Q. If a burner or welder had been welding in those five minutes, would you have been in a position to have seen a fire, if it had fallen?

A. That is right.

20. Q. You state there was no fire falling?

A. Yes, sir; that is right.

Examined by the judge advocate:

21. Q. When you stated that you were not welding five minutes before the fire, did you mean five minutes before you noticed the fire?

A. Five minutes before anyone hollered, that I was not working. I had lit a cigarette and was fixing to smoke it when I heard someone holler. As I looked, just you know where I could see through, I seen smoke and fire all coming out.

22. Q. Is it your custom to smoke within the hold?

A. Well, when there is nothing doing, I generally smoke; not in a place where there is any danger. Where smoking is prohibited, I don't smoke at all.

23. Q. Do any other men smoke in the hold?

A. I should say yes; they all smoke in there.

24. Q. Did you use a safety match to light your cigarette?

A. Lighter.

25. Q. You stated that a plate was being put in. Where was this plate being put in?

A. In the hold; it would be the main deck in top of the hold; it would have been the main deck. I was just right underneath it; about three foot clearance from the plate to the staging I was on, three or four feet.

26. Q. Previous to the time you stopped working, what had you been doing?

A. I just sit down and lit my cigarette.

27. Q. What work were you doing?

A. I was welding before I stopped.

28. Q. Electric welding or tack welding?

A. Tacking plates.

29. Q. Did you notice when you were welding, whether or not any sparks from your operation dropped into the hold?

A. It was dropping on the deck below. There was another deck just like we were putting in, just below me.

30. Q. But sparks were dropping from your operation?

A. Yes, sir, when I was working.

Examined by Lieutenant Lennon, a defendant:

31. Q. You stated you were working on the staging on a new plate that was being installed at the main deck?

A. That is right.

32. Q. When you heard someone yell "fire", what did you do?

A. I looked over where I could see and saw all the smoke; that is the first thing I saw. Then I just forgot everything and tried to get out.

33. Q. How did you come out on this staging and out from under the plate that was over you?

A. Come out on the edge like this; I wouldn't hardly know how I got out myself, because there was hardly room for me to get out between there; it was the only way without going down on the next deck.

34. Q. Was there a handrail in front of the staging?

A. That is right.

35. Q. Then it was necessary for you to climb over this handrail and up through the hatch opening; is that right?

A. Yes, sir, come back on the deck.

36. Q. Did you experience any difficulty in getting out?

A. I did; I was held up a minute or so getting through there. I was held up a minute or so getting through between the handrail and the deck plate they had put down.

Examined by Lieutenant Commander Marshall, interested party:

37. Q. At what time did you go to work on April 27th?

A. In the morning; seven o'clock.

38. Q. Where were you assigned to work on the ship?

A. I was just looking after the lines and blower, and one thing and another up until quarter to 5:00, and then I was assigned to this job where they were putting this plate in.

39. Q. At the time you were assigned to the job where the plate was being installed, did you request a fire watch?

A. Well, they had fire watches in there.

40. Q. I am asking you, did you specifically request a fire watch?

A. Well, no, I didn't.

41. Q. You didn't?

A. No, sir.

42. Q. Why not?

A. Because there was two fellows working there on the same job and one right below me that had fire watches. I also requested would they watch out for me, which it was necessary; they were right at me where they could watch.

43. Q. If you had requested a fire watch, where would you have stationed them?

A. Right with me; just down where the other fellow was on the next deck where the fire was dropping down there.

44. Q. You stated, I believe, that there were two or three fire watches in the hold at that time.

A. That is right; there were two, at least, I know.

45. Q. That was at what time?

A. At about 5:00 o'clock.

46. Q. At 5:00 o'clock?

A. Yes, sir.

47. Q. Can you state positively again, after being warned that you are testifying under oath, that there were two or three fire watches in that hold at 5:00 o'clock?

A. Well, I would say two; they were in there. I asked them, I asked one of the fellows weren't they fire watches, and they said yes.

48. Q. Would you recognize those two fire watches if you were to see them?

A. I couldn't tell you; I doubt it after all that happened; but, if I could get the ones that were in there, they would probably recognize me asking them.

49. Q. You asked the fire watches themselves?

A. I asked one of them myself - they were standing right down where I pulled my lines up - was he the fire watch in there, and he said yes, and I told him to stand by for me.

Re-examined by the judge advocate:

50. Q. When you heard the cry "fire", did you look down?

A. That is right.

51. Q. Did you see the fire?

A. I saw the smoke; that was the first I saw, and that is where I turned everything loose and tried to get out.

52. Q. Did you see the flame?

A. Yes, you could see the flame.

53. Q. Where was the flame burning?

A. It was just coming up through the hold when I saw it; I couldn't take time to notice until I got out, but it was right out in the hold, then coming out when I saw it.

54. Q. It was distributed generally, not localized?

A. Yes.

55. Q. Did you personally see two fire watches in the hold or are you taking someone else's word that there were two?

A. I will swear to that, that I saw two, about 5:00 o'clock.

56. Q. How did you recognize them as being fire watches?

A. I asked them; I asked the one I saw, asked him to stand by for me; was he fire watching, and he said yes.

57. Q. How did you recognize that the other was a fire watch?

A. The fire watch told me that him and the other guy was standing watch in the hold, and he would also stand by for me.

58. Q. You saw the other man?

A. Yes, sir, I saw him, but he was standing back towards the other side, towards the hold.

59. Q. Do you know whether or not there were two fire watches in the hold at 6:00 o'clock?

A. Well, I wouldn't say at that time, at 6:00, because this was about 5:00 when I was talking to him.

60. Q. Was the fire watch with whom you were talking~~x~~ with you up to the time when you knocked off working~~x~~ just before the fire?

A. Well, the last I noticed he was standing down below me on watch.

61. Q. When did you last notice?

A. Well, just before I started to work and just as I knocked off. Why, I didn't notice him during that five minutes, I didn't see him after I had quit.

62. Q. Then you didn't notice after 5:00 o'clock?

A. I noticed him when I was working, the last time that I had welded; but after I quit in the five minutes that I had, before the fire started, I didn't look down at that time.

63. Q. He was with you when you quit welding?

A. That is right.

64. Q. On what deck was he standing?

A. Deck below, the second deck from the main deck.

65. Q. He was on the second deck from the main deck?

A. (After being shown a sketch by judge advocate) On the deck below the main, the second deck.

Examined by the court:

66. Q. In previous testimony, you have stated that there were droppings from your welding evolution on the deck immediately below you?

A. That is right.

67. Q. Is that normal in a welding evolution?

A. Yes, sir.

68. Q. It is normal?

A. Yes, sir. It would have been normal where I was working for it to be falling on the next deck.

69. Q. Were you welding overhead or vertically?

A. Overhead, just like this ceiling (indicating); just like this ceiling. If you were welding up there, then the sparks would fall.

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness made the following statement:

"Well, no. There is some things, but maybe I should not say them. The situation that were having to work in, things like - well, there is the way we were working in there. As you all know, when you work in a place like that, shipfitting and welding also has to go first, while we were working in there; and this could have happened at any time and got more in there than what it did, by your bringing that inflammable stuff in there and putting it down in there and not notifying anybody about this stuff being inflammable or anything at all. There were some working in there that absolutely didn't know they had it in there, but still they would bring it down and pour it around. When we have got welding and burning on a deck, there is a certain amount of temperative in that deck which would probably cause some kind of ignition from a thing of that kind and someone in there that didn't know a thing about this stuff being brought in. So I think that things like that ought to be looked after more carefully than what they have been. I will certainly try to do my part from now on, and have since. They bring something in there like we were down under here working, and somebody brings gases and put them in here on the job; and you in there know nothing about it unless they notify a fellow that they had done that. That is the way some of that was going on. When you get your shield down over your face, you couldn't see down around you. There was one fellow said he was there and they had brought this stuff while he was in there and poured this stuff around him, and him sitting there working. He got up, after he raised his shield and saw it."

Re-examined by the judge advocate:

70. Q. Are you aware of your right as a workman in this Yard to refuse to work in any situation that you consider dangerous in the evolution that you perform?

A. Well, sir, I will tell you, I have been told -- which is a sign here -- that we are not supposed to be stationed around all kind of stuff. We are supposed to be at work, and, if we refuse to work in a place, we can also be discharged for refusing to work.

71. Q. Did you ever have occasion at any time to object to working in what you considered an unsafe situation?

A. I have, yes.

72. Q. Did you in this case?

A. Well, I would -- (not completed).

73. Q. Did you?

A. No, sir, I didn't in this case, because I didn't know that this stuff was inflammable as it was, but I could have refused if I had known it, and which I would have if I had known it.

None of the parties to the inquiry desired further to examine this witness.

The court again informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then, at 11:20 a.m., took a recess until 2:00 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the parties to the inquiry, and Captain Dale Quarton, U. S. Navy, counsel for Lieutenant Ernest D. Lennon, a defendant.

The record of proceedings of the afternoon of the seventh day of the inquiry was read and approved.

Ralph J. Underwood, Principal Clerk-stenographer, Norfolk Navy Yard, reporter, entered.

No witnesses not otherwise connected with the inquiry were present.

A witness called by Lieutenant Commander Marshall, interested party, entered, was duly sworn and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank, and present station?

A. William C. Schmidt, Lieutenant (junior grade), U. S. Naval Reserve, Communications Officer aboard the USS SATURN.

Examined by interested party, Lieutenant Commander Marshall:

2. Q. Will you state your duties on the afternoon of April 27, 1944?

A. I was officer of the deck on the 16 to 20 watch, sir.

3. Q. What was the policy of the ship with respect to the furnishing of fire watches?

A. Policy towards that was to have the men doing the welding or burning to require fire watches from the officer of the deck.

4. Q. What if any additional precautions have been taken by the ship with respect to the hazards involved in laying of insulation in the holds?

A. The extra precautions taken were to furnish the welders, each welder as requested a fire watch with one, also extra fire extinguishers, CO₂ extinguishers, and the five-gallon water cans for the hold, and also water hoses down into each hold.

5. Q. Is it not true that an additional permanent fire watch was established in each hold?

A. Hold watch, yes, sir.

6. Q. How many fire watches to your knowledge were on duty in Number 3 hold on the afternoon, of April 27, 1944?

A. To my knowledge there were two fire watches.

7. Q. Will you state their names and where in the hold they had been assigned?

A. Their names were Bohler, stationed on the third deck level, and the other man's name was Sprague. He was stationed in the new compartment at the bottom of the hold where the generators were being installed.

8. Q. Had the welders or burners requested any additional fire watches from you that day?

A. No, sir.

9. Q. I would like for you to state what change you have noted in the request for fire watches by the welders and burners since that date?

A. Since that date I can say that it is just the opposite of what it had been. That the welders themselves go out of the way to ask for fire watches.

10. Q. Would you say then there has been a large increase in the number of requests for fire watches?

A. Yes, sir.

11. Q. Has there been a corresponding increase in the number of burners and welders on the ship?

A. No, sir.

12. Q. Will you state to the court in brief the subject matter and what was done about our discussion regarding the increased workload on the ship's force due to the increase of fire watches.

A. We have tried to secure outside help in order to not tax the watch standers too much. Some of them have been standing 16 to 18 hours per day.

13. Q. Will you tell the court the substance of an order that was passed over the general announcing system at about 12:45 this afternoon?

A. At 12:45 this afternoon word going over the P.A. system was "smoking throughout the ship was out regardless of whether burning or welding was being done or not".

14. Q. Prior to that time what had been the policy of the ship with respect to smoking by the Yard workmen?

250 A. Smoking was ^{not} permitted on all weather decks and holds where welding was not being done.

15. Q. Will you tell the court briefly the result of the order which was issued today prohibiting smoking even where welding was being done?

A. I would say approximately 45 minutes after the word had been passed that welding and burning throughout the ship had been ended, and that the welders and burners had gathered on the dock.

16. Q. Do you know whether the work has been resumed?

A. I left the ship at approximately 1420 and the welders and burners were back at work.

Lieutenant Commander Marshall, interested party, requested that an entry be inserted in the record at this point noting that the order of the ship prohibiting smoking while welding was in progress had been modified. The court ordered the judge advocate to make this entry.

Examined by the judge advocate.

17. Q. You have stated that a fire watch by the name of Sprague was in Number 3 hold on the afternoon of April 27th. Was Sprague performing other duties besides fire watch?

A. They had what I think was a sabotage watch that he stood along with that seeing that no one tampered with machinery.

18. Q. Was he doing any work connected with machinery?

A. I would not know about that.

19. Q. You have stated that welders and burners asked for no additional fire watchers on the date of the fire. In view of the provisions of Navy Regulations that the Officer of the Deck is responsible for the safety of the vessel, is it your opinion that your responsibility in the matter rested there?

A. I had made an inspection of the holds prior to that and at the time I had made my inspection no welding was going on that I could see in Number 3 hold.

20. Q. Then it was your assumption there was no welding going on aboard the ship in Number 3 hold? Had you ever observed that there had been welding and burning going on aboard the ship without additional fire watches?

A. No, sir.

Re-examined by Lieutenant Commander Marshall, interested party:

21. Q. Will you tell the court as specifically as possible the exact location where Sprague had been assigned his duties?

A. Sprague was assigned at the bottom of Number 3 hold forward. The room is practically in the center.

22. Q. Was he or was he not assigned duties within the Diesel generator room?

A. Yes, sir.

23. Q. In your opinion could Sprague have been of any value as a fire watch in Number 3 hold proper? That is, outside of the Diesel generator room?

A. No, sir.

Examined by Clifford D. Short, a defendant:

24. Q. Mr. Schmidt, on the day of the fire your statement which said that there was no additional fire watches requested - at that time did you keep a record of where the fire watches were positioned?

A. No, sir; at that time we did not reach a point where it was necessary to keep account of where all the men are.

25. Q. Then your statement is based entirely on memory?

A. Yes, sir.

26. Q. Do you keep a record at this time, after the fire?

A. Some officers do.

27. Q. Do you?

A. No, sir.

28. Q. Then your statement concerning the fire watches that are requested by the welders and burners after the fire is also based on memory?

A. Yes, sir.

29. Q. You also stated that there was an order issued today that no smoking was permitted which was given over the loud speaking system?

A. That is right.

30. Q. To clarify the records was I the supervisor on duty at that time, supervisors of the welders, at the time that order was given?

A. That I would not know.

31. Q. At what time on the particular day of the fire did you make your inspection of Number 3 hold?

A. As near as I can say it was approximately a little after 5 o'clock.

32. Q. Did you make any other inspection between that time and 7 o'clock the same evening?

A. The fire started before seven o'clock. I had been eating my evening meal when that started.

33. Q. You have stated that Sprague was in the Diesel generator room on the sabotage watch?

A. Right.

34. Q. Would you tell the court what means you have of knowing that Sprague stayed in that position?

A. None.

Examined by the court:

35. Q. You have stated that you made an inspection of Number 3 hold on the afternoon of the 27th at about 5 o'clock. Did you notice on that inspection cork on the starboard side of the third deck which had been prepared for use prior to its use by the joiners?

A. My inspection of Number 3 hold was from the top of the ship looking down into the hold and I can't say I did.

36. Q. Then you actually did not inspect Number 3 hold?

A. Not other than to see if the fire watch was on duty and there to take care of anything.

None of the parties to the inquiry desired further to examine the witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

A witness called by Lieutenant Lennon, a defendant, entered, was duly sworn and informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. State your name, rank, and present station.

A. Philip F. Wakeman, Commander, U. S. Navy, attached to Norfolk Navy Yard, Portsmouth, Virginia.

Examined by Lieutenant Lennon, a defendant:

2. Q. Did you on two occasions, the latter occasion being the afternoon of 25th April board the USS SATURN and with Lieutenant Lennon inspect the work then underway on the various decks and in the Number 3 hold which was being converted?

A. I did.

3. Q. At the time you made these inspections was welding and burning going on in the hold while cork was being installed?

A. Yes.

4. Q. Did Lieutenant Lennon go over the job with you and specifically point out the precautions he had taken against fire and that he had specifically ordered the joiner supervisor to allow no accumulation of cork or lumber in the holds above the immediate working requirements?

A. He did.

5. Q. Were you satisfied with the way Lieutenant Lennon was handling this job and precautions he had taken against fire, the ventilation, and access including ladders and stagings to the various holds?

A. Yes, I was.

6. Q. Did you visit Number 3 hold on the SATURN on the morning after the fire?

A. Yes, sir.

7. Q. Was the access, including ladders and staging, essentially the same as on your previous visit the 25th?

A. It was.

8. Q. Did you consider it necessary that smoking be prohibited in these holds while the conversion work was in progress?

A. No, sir, I did not.

Examined by the judge advocate:

9. Q. With regard to the hull work going on in Number 3 hold aboard the USS SATURN were you Lieutenant Lennon's immediate superior officer?

A. Yes, sir, I was.

10. Q. Did I understand it correctly that the last time you inspected the holds and the work going on aboard the SATURN was on April 25th?

A. About that time.

11. Q. Did you inspect it the day of the fire?

A. No, sir. The day after the fire. I had made one other trip without Lieutenant Lennon.

12. Q. At the time you made your inspection was cork being prepared in the hold for laying?

A. Not being prepared, no.

13. Q. Where was the cork being prepared?

A. At the time I made my inspections no cork was being prepared. The cork was in there, had been prepared. I saw no one in the process of preparing the cork.

14. Q. What was your understanding where the cork was being prepared?

A. In the holds adjacent to the work.

15. Q. Whose decision was it that welding and burning would go on in the holds of the USS SATURN at the same time the cork was being prepared and laid?

A. No specific decision was made. That has been the usual practice on several jobs with short availability. To get the work done many various trades are working simultaneously in holds or compartments aboard ship.

16. Q. Do you know whose decision controlled whether or not this former practice should be in effect on board the USS SATURN?

A. No decision that I know of.

17. Q. Did anyone have authority to stop the preparation or laying of cork at the same time while welding was proceeding in the hold?

A. Yes, several people would have authority.

18. Q. Who?

A. Ship Superintendent, Hull Superintendent, Safety Officer, Safety Inspectors, Production Officers, or any other officer.

19. Q. Did any officer ever question that practice to your knowledge?

A. Not to my knowledge.

20. Q. Did you consider that practice safe when you inspected the USS SATURN on the 25th?

A. What I saw and what I knew was planned to do I considered safe because of the precautions taken.

21. Q. Do you now consider that practice safe in view of the fire that took place on the SATURN on the 27th?

A. In order to complete the job, same length of time, same conditions would exist and we would do the job in spite of the possibility of unsafe conditions.

22. Q. What is your answer to the question? Do you now regard that as unsafe or safe practice?

A. I now regard it as unsafe practice.

23. Q. Did you regard it as safe or unsafe practice prior to the fire?

A. I regarded it as a safe practice prior to the fire.

24. Q. How is this work now being done?

A. The preparation of the cork is being done on the dock prior to putting it aboard ship.

25. Q. Will you state if you know why this was not done prior to the fire?

A. Because it had not been ordered.

26. Q. I believe that you stated among those who could have stopped the welding and burning on the SATURN at the same time cork was being prepared and laid was the Safety Officer?

A. I did.

27. Q. In your opinion, does or did the Safety Officer have authority to stop work?

A. He does, if considered unsafe.

28. Q. Any work?

A. That is my understanding; any work considered unsafe the Safety Officer can stop.

29. Q. How would he proceed to stop such work?

A. Through the Ship Superintendent would be the normal procedure.

30. Q. Could he stop such work as this of his own initiative by going to the workmen or to their immediate supervisor?

A. Whether he actually would be successful in stopping it I don't know, depends upon the man he talked to. He could through the Ship Superintendent.

31. Q. Do you think he has legal power to order work to stop?

A. I believe he should go through the Ship Superintendent entirely, that would be his legal way of doing the job.

32. Q. Then is it your opinion the Safety Officer can act only in an advisory capacity as far as the Ship Superintendent is concerned?

A. That would be the normal procedure; if a matter of life or death at the time, I believe he should immediately stop any work as any other officer should.

33. Q. Is the power of the Safety Officer to order the work stopped at once limited to actions which involve immediate life or death, or does he have the power to order a potentially dangerous situation stopped immediately?

A. I believe he has the power to stop anything if the time he considers it is extremely dangerous to life.

34. Q. Do you consider that this power of the Safety Officer is inherent only in the Safety Officer himself or does it also extend to civilian safety marshalls?

A. I believe that the power rests mainly with the Safety Officer. That his civilian assistants are to act in advisory capacity.

35. Q. To the best of your knowledge is Manager's Notice 23/42 now in full force and effect?

A. The best of my knowledge I believe this order is being carried out but not entirely to the letter. Yes, it is in effect.

36. Q. To your knowledge, was there anyone who brought to your attention the fact that the procedure being followed on this job might be unsafe?

A. Had not been brought to my attention.

37. Q. In your early testimony you stated, I believe, that you considered the procedure being followed on this job was not unsafe "in view of the precautions taken". Is the court to conclude, then, that you regarded the practice of welding and burning at the same time cork insulation was being prepared as being fraught with hazard?

A. Yes, I do.

38. Q. Then, it is your opinion the precautions which were shown you were adequate to match that hazard?

A. As I stated before, I did not actually see any cork being prepared in the holds at that time. I did not question whether it was being prepared in the holds.

39. Q. Would the precautions which were shown you have been adequate, in your opinion, had the practice at time indicated cork was being prepared in the hold?

A. That would depend upon the conditions I saw.

40. Q. What precautions did you see to meet this hazard of using prepared cork at the same time burning and welding was going on?

A. I saw those preparations. I did not see any being prepared.

41. Q. I said using this already prepared cork?

A. Fire hoses with fog nozzles had been led to each of the holds, fire watches were stationed in the vicinity, extra water extinguishers had been procured and placed in the holds.

42. Q. Were you advised by anyone of the change in the place of preparing the cork?

A. There had been no change to my knowledge and it had not been brought to my attention that it was being prepared until after the fire.

43. Q. What is your interpretation of Manager's Notice No. 23/42 with regard to fire watches? Should there be a fire watch assigned to each welder and burner on the job?

A. My interpretation of that is that an individual job may consist of several welders working on a particular installation within a compartment and it is not necessary to have a fire watch for each individual working on the same job within any one space.

44. Q. Would it be necessary to have more than one fire watch if the welders were engaged on different deck levels within the hold?

A. Yes, sir.

45. Q. In your interpretation would it be necessary to have more than one fire watch on one deck level when welders were working on opposite sides of the ship?

A. In compartments the size of these holds, I would say yes.

46. Q. Do you know how many distinct evolutions were going on on the third deck of Number 3 hold of the SATURN on April 27th prior to the fire?

A. No, I don't.

Examined by the court:

47. Q. In your history in the Navy Yard, has it ever before been the practice or has it ever before been found necessary to have the practice of burning and welding and laying of cork insulation in the same area at the same time?

A. This is my first experience with the laying of cork insulation.

48. Q. What then is your opinion of the reason for this practice in the case of the USS SATURN?

A. In order to complete the job within the availability time it was necessary that all operations be carried on simultaneously.

49. Q. Who assigned the availability of the ship?

A. This particular one I don't know.

50. Q. From whom does the usual availability times come?

A. From Forces Afloat I believe, and generally on recommendations from the Yard.

51. Q. Do you anticipate a delay in the completion of this ship over its availability time?

A. That was my estimate of the time.

52. Q. How far is its availability lengthened now?

A. My estimate was that the job would be delayed by the change of precautions taken.

Examined by Lieutenant Commander Marshall, interested party:

53. Q. I would like to ask you for your opinion as to paragraph four of Manager's Notice 23/42. The point I would like to find out is, from your opinion and from your past experience, the question of fire watches on the ship, are they the ship's responsibility?

A. My past experience with ships in commission is that the question of fire watches has always been handled through the supervisor of the shops involved.

54. Q. Would you state what you know regarding any special pressure that was applied in the specific case of this ship with regard to earlier completion of the conversion?

A. Prior to the arrival of the ship, at both Ship Superintendent's conferences on Friday and the Masters' conference the amount of work involved to complete the ship was emphasized by the Production Officer, and all shops were told that it was a very tight job that required around the clock work by all shops to finish the job in the time available. Plans were made to obtain extra joiners from shop 70 as necessary to complete the job on time.

55. Q. Is it not the normal procedure in this Yard when an estimate of an undertaking is made by the Planning Division for that to be submitted to the Production Division, and if returned without comment, the Production Division is assumed to have accepted that time as the estimated time for completion of the job?

A. That is true.

56. Q. Will you state whether you are familiar with the estimate made on this particular job?

A. My only recollection of the estimate on this particular job was that it was a 60-day job?

None of the parties to the inquiry desired further to examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then, at 3:50 p.m., adjourned until 9:00 a.m., Monday, 8 May 1944.

NINTH DAY

Norfolk Navy Yard,
Portsmouth, Virginia.
Monday, 8 May 1944.

The court met at 9 a.m.

Present:

Captain William D. Brereton, Jr., U. S. Navy, President;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members; and
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate.

Lieutenant Henry P. Gill, U. S. Naval Reserve, defendant;
Lieutenant Ernest D. Lennon, U. S. Naval Reserve, and his
counsel;

Lieutenant Commander Thomas O. Marshall, Jr., U. S. Naval
Reserve, interested party.

Clifford D. Short, Norfolk Navy Yard check number 26-133,
defendant.

The record of proceedings of the eighth day of the inquiry
was read and approved.

Ralph J. Underwood, principal clerk-stenographer, Norfolk
Navy Yard, reporter, entered.

No witnesses not otherwise connected with the inquiry were
present.

A witness called by Lieutenant Lennon, a defendant, entered,
was duly sworn, and informed of the subject matter of the
inquiry.

Examined by the judge advocate:

1. Q. State your name, rank and present station.

A. Webster M. Thompson, Captain, U. S. Navy, Production
Officer, Norfolk Navy Yard.

Examined by Lieutenant Lennon, a defendant:

2. Q. When the period of availability for accomplishing the
conversion work on the USS SATURN was established, was it based
on the premise that all trades must work simultaneously in all
holds where insulating work was in progress?

A. It was forcibly brought to the Yard's attention the
urgent need for an additional refrigerating ship, and the
necessity for cutting the time down the ship was in the Yard,
and arrangements were made to borrow, if necessary, a hundred
woodworkers from Public Works, and at two Masters' conferences
and Ship Superintendents' conferences it was impressed on all
hands that the completion of that part of the job would permit
the pipefitters to get in the ship, which must be around-the-
clock work.

3. Q. I would like to present Manager's Notice 23/42 which
I believe is "Exhibit 1" and ask you to read paragraph 4 of
this notice.

A. Witness does so.

4. Q. From your interpretation of this paragraph would you consider that a Ship Superintendent should know at all times where each individual welder is working aboard a ship under his supervision?

A. It is impossible for him to know at all times the exact location of each welder particularly on a ship with a large amount of work taking place as on a major conversion. It is necessary to have welders shift from small jobs to other small jobs constantly; also, there are insufficient officers attached to the Yard to permit 24-hour supervision by Ship Superintendents, and for some of the hours the Ship Superintendent must be away for rest. The work cannot stop during this period and welders must continue to be called for by the different trades.

5. Q. Do you know if Lieutenant Lennon recognized that the work that would be done in the holds of the SATURN was hazardous and what, if so, extra precautions he took?

A. He did know it was hazardous. He provided extra fire extinguishers, had hoses led out, some fog nozzle equipment present, asked the Fire Department to inspect his ship daily, and asked all Safety Marshalls to bring personally to his attention unsatisfactory conditions from a safety viewpoint in order that he might try to correct them. In addition he asked the Hull Superintendent to inspect the ship, I believe, on at least two occasions.

6. Q. Did Lieutenant Lennon have an officer assigned as his Assistant, an Assistant Ship Superintendent?

A. No, we have insufficient officers to assign an Assistant Ship Superintendent, and the officer that was assigned with Lieutenant Lennon is a trainee, new to the Yard, trying to be trained as a Ship Superintendent. As soon as they become skilled enough to be trusted to do even easy Ship Superintendent work, they are usually assigned to an easy ship as Ship Superintendent.

7. Q. With the court's permission, I would like to present at this time a copy of Navy Department's letter of 28 September 1943, file number SOSED-IE-WT/mh subject "Relationship between Naval Officers and Civilian Supervisors in Naval Shore Establishments" and request the witness to read this letter, if he has not already read it.

A. (Witness examines the letter referred to.)

This letter was submitted to the defendants, and the interested party, to the court and to the judge advocate and by Lieutenant Lennon, a defendant, offered in evidence. There being no objection thereto, it was so received and is hereto appended marked "Exhibit 24".

8. Q. Have you already read this letter?

A. Yes, sir.

9. Q. Was this letter brought strongly to the attention of Lieutenant Lennon shortly after its receipt in the Yard?

A. On the first two Ship Superintendents' conferences after receipt of this letter it was particularly brought to the attention of all Ship Superintendents, including Lieutenant Lennon, that they must deal with the men, except in emergencies, through the civilian supervisors, and likewise they must hold civilian supervisors responsible for work and the conduct of their men. Repeatedly since then in regard to safety matters, absenteeism, loafing, the Ship Superintendents have been cautioned again to deal through the civilian supervisor and hold him responsible for his group.

10. Q. Do you recall on the occasion of Friday morning's conference with the Master Mechanics shortly after receipt of this letter, the same subject was discussed with the Masters and they in return were instructed by the Production Officer to pass this information on to their subordinates?

A. It was discussed with the Masters and they were directed to pass this on.

Examined by the judge advocate:

11. Q. Do you regard this AstSecNav letter, "Exhibit 23", as modifying Manager's Notice 23/42 in any particular?

A. It was issued subsequent to Manager's Notice 23/42 and from higher authority and wherever it differs from this Manager's Notice the Manager's Notice is in error.

12. Q. What parts of Manager's Notice No. 23/42 do you regard as modified, suspended or abrogated by this AstSecNav letter?

A. In general, primarily to place even more emphasis on the responsibility of the supervisor for getting out the necessary safety precautions in connection with welding, cutting and burning.

13. Q. Do you regard that letter as having abrogated or modified the duties as outlined for the Ship Superintendent by Manager's Notice 23/42 in any particular?

A. No, except he should, as stated before, deal with the supervisor and expect the supervisor to be responsible for the work of his group including the safety precautions.

14. Q. Did you inform your Ship Superintendents and in particular Lieutenant Lennon that in your opinion this AstSecNav letter of 28 September 1943 changed the responsibilities for safety precautions from the Ship Superintendent to the civilian supervisors?

A. No, not specifically, but in general that they must deal through the supervisors, hold supervisors responsible, and expect them to be responsible for work of their group under the other part of the Yard's management which would include Ship Superintendents.

15. Q. Then is the court to understand that this AstSecNav letter changed Manager's Notice No. 23/42 or is the court to understand that the letter changed the method of carrying out the responsibilities outlined in Manager's Notice No. 23/42?

A. Primarily changed emphasis on responsibility and some change in the method that Ship Superintendents must deal through civilian supervisors except in an emergency.

16. Q. Did Lieutenant Lennon have on April 27th the power to stop either welding and burning or the preparation and installation of cork insulation which was going on in number 3 hold?

A. Yes, if he considered it an immediate emergency, but he would be expected as soon as possible to contact the Production Officer or one of his principal assistants, report as to why he so slowed down work and thereby jeopardized completion date of the ship.

17. Q. In other words, he would have the power but it would have been bad policy?

A. No, if he considered it from daily inspection of the Fire Department's personnel, safety marshalls, to be in immediate danger, any commissioned officer in this Yard has the right to take steps to protect life and property, but he must report to his top senior where he has changed the program mapped out to insure completion of the ship on time.

18. Q. Would any civilian supervisor have that power to stop the carrying on of simultaneous operations such as welding and burning evolutions going on at the same time as the preparation and laying of cork installation?

A. Very definitely so, but under the same conditions. He would report to the Master of the ship and usually the Ship Superintendent that he was doing this and why.

19. Q. Would a leadingman of one of the several trades have such power?

A. As far as his men were concerned, yes, but he must report a change in that it would so slow down the work.

20. Q. Do you recall whether or not Lieutenant Lennon was specifically advised that there must be burning and welding going on at the same time as cork insulation was being prepared and installed?

A. Not in those exact words, but he was told as well as the Masters that all shops involved in getting that ship ready for the pipefitters must work around the clock since there was over a hundred thousand feet of tubing to be installed, and to be ready at the first possible moment to let the pipefitters go to work.

21. Q. Was he or not in effect so told?

A. He was in effect so told that the trades must work to push the trades to the utmost to allow the pipefitters to get to work. Particularly so on this ship, although it is also in all ships that come in the Yard generally told the same thing on the controlling jobs.

22. Q. And were the civilian supervisors in effect so told?

A. The Masters were told who I assume passed the word to the supervisors.

23. Q. Was the possible hazard of preparing and installing cork installation at the same time welding and burning was going on ever considered by you prior to the fire?

A. Most certainly, as it is in many jobs where we have to in war time adopt procedures in order to get the ships out which in peace-time would not be warranted.

24. Q. Is the court to understand then that the Yard accepted it as a necessary risk?

A. In general, yes, with due precautions by the personnel involved. Such as special care to have adequate fire fighting equipment present, fire watches, and control over the immediate location of the welding as compared to the immediate location of particular hazardous operations in the installation of cork.

25. Q. Were there any occasions to question the availability time of this vessel?

A. I don't understand the question.

26. Q. Did you or other responsible officials of this Yard have occasion to feel that the availability time of the vessel was of such length that undue hazardous conditions would be created so that the question of the length of the availability time was raised?

A. No more so than on the majority of ships that come in the Yard.

27. Q. Who set the availability of this ship?

A. Forces afloat, in this particular case, Commander Service Force, Atlantic Fleet.

28. Q. And to you know how the forces afloat reached the estimate of the availability?

A. From the Yard's estimate, from estimate made by their own technical people, from urgency and need of the ship by the operations.

29. Q. Do you know in this specific case what was the Yard's estimate of availability time?

A. 75 days.

30. Q. Was it the same availability time set by Commander Service Forces, Atlantic Fleet?

A. Yes, but the estimate was based on a request that it be the shortest possible time to do the work and subsequent to estimate of 75 days set which was a date to be anticipated if possible. I had one or more calls from members of the staff of Commander Service Force, Atlantic Fleet, stating that they needed the ship at the first possible moment, and they hoped we could anticipate an estimate of 75 days. So that the Yard was actually trying for completion of 60 days.

31. Q. Has there been any occasion since work started on this ship for the Commanding Officer of the vessel to object to procedures involved in connection with work going on in the conversion of the SATURN?

A. Not to my personal knowledge.

32. Q. Has there been any objections reported to you?
A. No.

33. Q. Has this fire delayed the completion date of the vessel?

A. We are still hoping to complete the ship in the original availability.

34. Q. 75 days or hope for 60 days?

A. 75 days. Probably cannot do it within 60 days.

35. Q. Is it your opinion that Commander Service Force, Atlantic Fleet, and his staff are fully aware of the hazards in this job?

A. Those engineers on the Service Force staff are widely enough experienced to undoubtedly know the hazards in installation of cork. As to the other members of the staff, I cannot say.

36. Q. Can you state of your own knowledge whether Lieutenant Lennon was on board the ship at the time of the fire?

A. He was not there. Some minutes after the fire alarm went off he showed up; some minutes after I arrived. He stated that he had a call and had just come in from home and what could he do to assist. So I would judge he was not present at the time of the fire.

37. Q. What are the ordinary working hours of the Ship Superintendents?

A. 8 a.m. to 4:45 p.m., with greatly extended hours near the end of availability when tremendous pressure must be brought to get the ship out on time.

38. Q. Did any of the shop masters or their subordinates have occasion to object to you of the hazards involved in this particular job?

A. No. Any more so than they do on the many other ships where hazardous welding takes place.

39. Q. Is the court to infer that specific objections were or were not made to this ship?

A. Were not.

Examined by Lt. Comdr. Marshall, interested party:

40. Q. Is it true that Lieutenant Lennon discussed the hazard of working trades simultaneously shortly after his return from leave with you?

A. I do not recall it, although he could have and my not remember it.

41. Q. I would like to ask you from your past experience with this vessel converging at least two major overhauls whether in your opinion, or to your knowledge, the ship has been cooperative with the Production Department in the attempt to complete the work within their required time?

A. Outstandingly cooperative.

42. Q. In your opinion, from your long experience would you consider the commanding officer would have been justified in stopping the work in progress on this vessel because of the simultaneous operations between the welding and insulation work?

A. Most assuredly not. And if he had, all due consideration would have been given to his protest but an endeavor would

have been made to persuade him to allow the work to go on and the completion date of the ship to be met.

Re-examined by Lieutenant Lennon, a defendant:

43. Q. Has it been your experience that I, as a Ship Superintendent of Ships, I have been assigned to you at this Yard since I have been working with you, I have performed my duties satisfactorily with due regard to Yard regulations?

A. More than satisfactorily, in an outstanding manner. Lieutenant Lennon is one of six Ship Superintendents that when his period of time was up whereby the Bureau of Ships through the Bureau of Personnel sends them to other duties, the Navy Yard made a special effort to hold these six Ship Superintendents as essential to the Yard's organization.

Re-examined by interested party, Lt. Comdr. Marshall:

44. Q. Is it my understanding that you were on board the ship shortly after the fire started? Am I correct, sir?

A. Yes, in less than a half hour.

45. Q. I would like to ask your opinion as to from what you saw as to the effectiveness of the ship in both fire fighting and rescue operations?

A. The ship was apparently giving efficient aid in the controlling the emergency. I specifically talked to the ship about the list which was beginning to be somewhat alarming in the latter phases of the fire fighting and got pumps and quick action taken in getting the list off the ship.

None of the parties to the inquiry desired further to examine or re-examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

The court then, at 10:55 a.m., took a recess until 3 p.m., at which time it reconvened.

Present: All the members, judge advocate, all the defendants and counsel, the interested party, and Ralph J. Underwood, reporter.

Clifford D. Short, a defendant, with the permission of the court introduced Mr. Ralph H. Daughton, attorney, Norfolk, Virginia, as his counsel.

A witness called by Clifford D. Short, a defendant, entered, was duly sworn, and was informed of the subject matter of the inquiry.

Examined by the judge advocate:

1. Q. Please state your name, rate, check number, and present address.

A. Forest E. Daugherty, electric welder, first class, check number 26-751, address 305 George Washington Highway, Portsmouth, Virginia.

Examined by Clifford D. Short, a defendant:

2. Q. Were you working aboard the USS SATURN the day of the fire?

A. Yes, sir.

3. Q. Where were you working when the fire apparently started?

A. I was working on the same deck level possibly 35 feet forward.

4. Q. There has been some testimony with reference to a pile of cork where the fire was alleged to have originated. How far from that pile of cork were you working?

A. Approximately 35 feet.

5. Q. Were you working on the deck level with the cork pile or on the staging above it or where?

A. I was working on the same level as the cork was piled on.

6. Q. How long had you been engaged in that immediate vicinity?

A. Approximately, I would say an hour or an hour and fifteen minutes.

7. Q. Had you noticed anything particular about this pile of cork in that immediate vicinity prior to this flare-up?

A. No, sir. Not until the fire started.

8. Q. Will you state to the court just what was your first knowledge of the fire?

A. Were two of us working on a bulkhead running port and starboard in the ship. As I said before, 35 feet forward of this cork, and we had finished the over-welding on this bulkhead and had climbed down from a small staging to the deck level, and we had been knocked off welding approximately

five to seven minutes. We were moving some lumber which was piled against the bulkhead in our way which prevented us from welding on the deck. And I was moving aboard and I went to push it out of my way, it did not move, I turned my head to see what was holding it. I was looking directly at this pile of cork. The flames were when I saw them, were only about this high. (Witness indicates.) I would say 12 to 15 inches high.

9. Q. Were would you say the base of the flames were, on the top, or middle, or where?

A. I would say approximately a third or half of the way to the top of this pile of cork.

10. Q. Was it burning on the edge of the cork?

A. It was. There was also a fire watch when I saw the flames start. There was a fire watch standing right beside the pile of cork with a fire extinguisher.

11. Q. Was he equipped with a CO₂ fire extinguisher?

A. I think they are, 35 pounds.

12. Q. Did he have opportunity to use it as far as you personally know?

A. Well, if he had a chance to use it, he had to use it fast. I did not see him ever use it. Smoke coming up.

13. Q. Were you the closest welder to this cork pile?

A. Yes, I imagine I was the closest man to it.

14. Q. Did you see any sparks that could have started the fire?

A. Not at the time the fire started.

15. Q. Have you ever worked around cork before?

A. I have.

16. Q. Would you show the court from "Exhibit 9" just approximately where you were and the location of the cork?

A. I was working right here. (Witness indicates upper left corner of "Exhibit 9".) I had been working on the low staging before finishing welding, underneath corner on staging, boards piled around this deck, butting up against the bulkhead. We were moving these boards, another welder moving these boards so we could weld on the bottom of the bulkhead on the same deck cork was piled on. The cork was piled approximately right here. (Indicates right hand side of "Exhibit 9".)

17. Q. Do you know how long that pile of cork had been accumulating there?

A. It was placed there by the day shift workers before 4:45.

18. Q. Had the joiners used any of the pile as far as you know?

A. As far as I know, no.

19. Q. Do you know anything about whether or not this stuff was treated before it was put aboard or not? This particular pile of cork?

A. It was treated after it came down in the hold. It was lowered into the hold, broken open and treated on the third deck.

20. Q. How would it come aboard?

A. Would be one package of it. Come down one or two packages at a time.

21. Q. How many slabs to a package?

A. Four slabs.

22. Q. They would break open these containers and the painters would apply the solution right there and restack them?

A. They would restack them.

23. Q. How about ventilation in this pile?

A. There was no ventilation coming directly on the third deck.

24. Q. Any blowers in this immediate vicinity that would have occasion to keep gas from accumulating there?

A. No.

25. Q. What with reference to welding hoses, if you know, how long after the alarm was it before they were shut off?

A. I don't know about that.

26. Q. You were using electric welding?

A. Yes, sir.

27. Q. Your hose, was it already cut off?

A. Well you see it was electric welding.

28. Q. What did you do after this alarm?

A. When this fire broke out, I immediately, after I saw it start, I threw down my shield, and ran from the corner of the hold across the Diesel engine room to the port side of the cargo hatch, stopped to look at the flames, and by the time I had traveled that distance, the flames were going to top deck of the ship. In approximately I would say 10 or 15 seconds.

29. Q. Were you cut off from the outside?

A. I was.

30. Q. Did you make the way below or where did you go?

A. I went from the third deck down to the fourth deck or bottom deck. And I stayed there until the fire was over.

31. Q. Mr. Daugherty, how much time would you guess, bound to be guess work, how much time, minutes or seconds elapsed from the time you first saw the fire flare up and until it had full headway?

A. Well, I would say not over two minutes.

32. Q. Have you ever seen cork catch fire before while welding?

A. I have saw it.

33. Q. Will cork on one side of the bulkhead ignite from welding going on on the other side?

A. It will.

34. Q. What effect on the cork, blaze immediately or smolder?

A. No, sir, it will not blaze immediately, but it will smolder I would say from maybe two or three days.

35. Q. Meantime would there be any smoke?

A. It would not.

36. Q. Matter of fact, just eats on inside, comes to surface and air hits her?

A. That is right and blaze up.

37. Q. Had you seen any fire there that could have fallen on the pile of cork?

A. Not to my knowledge. I did not see no fire falling when I first discovered the flames.

38. Q. You distinctly recall that the first flame came from the side of the pile?

A. Yes.

39. Q. Was the stuff piled evenly or carelessly?

A. It was more or less stacked up in layers, but the pile did not come up in a square.

Examined by the judge advocate:

40. Q. How many piles of cork were there?

A. One.

41. Q. About what size?

A. Well, I would say five and one-half feet high and I imagine six feet on the bottom.

42. Q. Had you welded in number 3 hold before?

A. I had.

43. Q. Was it the custom to leave piles of cork prepared for use by the joiners?

A. They did on this particular ship.

44. Q. Had that been done prior to the day of the fire?

A. Well, I have never worked a ship exactly like this one before.

45. Q. Had you noticed piles of cork similar to this one prior to the fire?

A. Yes.

46. Q. When you ran to the port side was it your intention to watch the fire or why did you run to the port side?

A. My intention was to go up to the top side if I could get up.

47. Q. Did you have a fire watch with you when you were doing your evolution?

A. Not especially right with me. A fire watch right on the same deck level by this cork. He was standing near this pile of cork when the fire broke out.

48. Q. Had you had a fire watch with you in the hour or hour and a half you had been working?

A. Yes, same fire watch had been there.

49. Q. Standing by the pile of cork all the time?

A. He had been in the immediate vicinity where we were working on the same deck level. I would say within 25 or 30 feet of us at all times.

50. Q. Did you provide yourself with 2-1/2 gallon soda acid type of fire extinguishers?

A. No, sir.

51. Q. Had you asbestos gloves?

A. No, sir.

52. Q. Did you have an asbestos blanket?

A. No, sir. Those things have never been furnished us in this Yard.

53. Q. I show you a copy of Manager's Notice 23/42 which has been introduced before this court as "Exhibit 1". Are you familiar with it?

A. Yes, sir, given to us different times since I have been in the Yard.

54. Q. Have you even been compelled to comply with paragraph 3a of this notice?

A. No, sir, never been furnished fire extinguishers or given asbestos gloves. We have used asbestos blankets to cover equipment that would be damaged from welding.

55. Q. Knowing of this notice, have you ever requested such equipment?

A. Nothing except asbestos blankets.

56. Q. From whom did you request asbestos blankets?

A. We go to the tool room and check that out.

57. Q. Have you been furnished with asbestos blankets every time you have made the request?

A. Up to recently, and they told us they could not get it, and we did not have it. The last two times I have went after asbestos blankets I could not get it. That has been in the last two months.

58. Q. Before you commenced working in the hold, did you request a fire watch from the officer of the deck of the ship?

A. No, I did not myself, but the fire watches were furnished from day to day. The fire watches were requested when we first went on the ship. They were sent back to different places on different mornings by the officer of the ship.

59. Q. How many fire watches were in the hold at the time?

A. I could not say exactly.

60. Q. Did you realize the possible hazards of your welding in the vicinity of prepared cork?

A. Well, yes.

61. Q. Have you an understanding of your rights as a workman in the Yard to refuse to work near unsafe or hazardous conditions?

A. I think so.

62. Q. Have you ever had occasion to object to working under unsafe or hazardous conditions?

A. At different times, yes.

63. Q. Did you on this occasion?

A. No, I did not.

64. Q. At the times that you have objected what has happened?

A. Well, when we would object to welding in dangerous areas, they were made safe by either moving the unsafe material out or covering it up in some manner to prevent a fire.

65. Q. Why did you not object to it on this occasion?

A. Because I really did not know the contents of this bitumastic solution that they were painting the cork with.

66. Q. A little while back you stated that you knew of the hazards involved in prepared cork.

A. You mean of prepared cork. I thought you just said cork.

67. Q. Did you know the hazard of welding near prepared cork?

A. Up to a certain point. But I don't believe that any of the men in the hold knew except the ones that were using this bitumastic solution that knew it was really highly inflammable solution.

68. Q. Did you realize it was a hazardous operation welding near prepared cork?

A. Well, yes, I knew, but I did not know this bitumastic solution was as highly inflammable as it was.

69. Q. Why did you not object to working when you knew you were working under unsafe or hazardous conditions?

A. Well, I can't say exactly why. Unsafe conditions had been reported.

70. Q. Had you reported them?

A. No, sir, Mr. Short reported them.

71. Q. Whom did he report them to?

A. His quartermaster.

72. Q. Who is his quartermaster?

A. Mr. McGehee.

73. Q. Did you overhear him making the report to his quartermaster?

A. I did not hear him make the report to the quartermaster, but I did overhear him ask Mr. McGehee in these words, he said, "Mr. McGehee, you remember what I told you about that being a fire hazard?" Mr. McGehee said "Yes."

74. Q. Was it specified in the conversation exactly what fire hazard was being talked about?

A. It was this cork, tar, paper and this bitumastic solution and paint, bitumastic poured on the deck.

75. Q. When did this conversation take place?

A. I really don't know exactly. Mr. Short reported that on Monday morning the 17th.

76. Q. What did Mr. McGehee reply?

A. That was all he said. He just admitted that Mr. Short had reported those conditions to him in my hearing.

77. Q. How are you able to fix Monday, April 17th?

A. That was the first day I came off night shift to the day shift. Was first day on this ship.

78. Q. Did anyone else that you know of hear this same conversation?

A. Yes, sir.

79. Q. Who?

A. Fellow named Witherspoon, fellow named Ogle. Believe all I remember right now. Anyone else I don't remember.

80. Q. After Mr. Short reported to Mr. McGehee was any action taken?

A. Not to my knowledge. Evidently not.

81. Q. Did you specifically hear the mention of cork in this conversation?

A. Yes.

82. Q. Did you specifically hear the mention of cork in this conversation?

A. Yes.

83. Q. Did you specifically hear mentioned bitumastic or tar solution in this conversation?

A. Yes.

84. Q. Did you ever hear more than one conversation between Mr. Short and Mr. McGehee regarding this matter?

A. No, sir.

85. Q. Did Mr. McGehee come into the hold subsequently to the conversation?

A. Not to my knowledge.

86. Q. This was the only conversation you heard from Mr. Short and Mr. McGehee?

A. That is right.

87. Q. You stayed in this hold for a period of about ten days following this conversation. Is that right?

A. This conversation I overheard took place Friday after the fire. Mr. Short stated at that time to Mr. McGehee, he said "You remember I told you about that being a fire hazard?" I did not know this conversation had taken place until after the fire.

88. Q. I thought you just testified that you heard personally overheard the conversation on the 17th?

A. No. This conversation took place between Mr. Short and Mr. McGehee on the 17th. On Friday, on Thursday night I overheard Mr. Short tell Mr. McGehee "You remember what I told you the first day I went on the ship, that it was a fire hazard?" Mr. McGehee said "Yes."

89. Q. Then you did not hear the conversation on April 17th?

A. I did not.

90. Q. Didn't you just testify that you recollected you had heard the conversation because it was the first day you were on the day shift? Would you repeat once more the full substance of the conversation between Mr. Short and Mr. McGehee?

A. This conversation took place on Friday afternoon, after the fire on Thursday night. I heard Mr. Short say to Mr. McGehee "Do you remember what I told you about that being a fire hazard the first day I went on there?" Mr. McGehee said "Yes."

91. Q. And that is all the conversation you can recollect?

A. All that I overheard regarding the fire.

92. Q. How did you know on the 27th that this conversation took place on the 17th?

A. Because Mr. Short stated on Friday after the fire to Mr. McGehee, he says "Mr. McGehee, do you remember the first day I went on there that I told you it was a fire hazard?" The first day we went on there was the 17th.

93. Q. Didn't you just testify that after the conversation on the 17th that nothing seemed to be done in cleaning up the trash?

A. Nothing to my knowledge.

Examined by the court:

94. Q. When you escaped down to the lowest level of the hold can you describe briefly your experience down there, how many other men did you see, very much smoke, was it dark, about how long did you stay there and where did you go to save your life? We have some evidence that some people were killed in there. We would like to know from your experience how you escaped?

A. When the fire broke out on the third deck level where I was working about 35 feet forward, I ran across the top of the Diesel engine room, had been built up with the third deck level to the port side of the cargo hatch, and by that time the fire had gained such headway it had shut off the ladder. When I saw I could not get out, I dropped over the side to a staging down to the next deck, and when I got to next deck I seen a large rag laying on the deck. I picked it up and wet it, and wet it in some water standing there on the deck of the ship. I held it around over my face and breathed through this wet rag and there were five other workmen there with me all right together, and I told the rest of the boys to use the wet cloths over their face and breathe through them. We stayed down there well somewhere in the neighborhood of 45 minutes to an hour. 25a

95. Q. Was there much smoke?

A. Very thick. It was black. Pitch black. These men that were with me were approximately two or three feet away from me and I could not see them.

96. Q. Do you remember whether the lights went out?

A. I do.

97. Q. Relatively when was that?

A. That was a very short time after the fire broke out and I got to the bottom deck. I imagine in ten minutes.

98. Q. Did you see anybody attempt to escape to the overhead over the vertical metal ladders?

A. No, sir. But it was impossible to get up those two ladders.

99. Q. Why?

A. They were blocked off. I believe if you will get these exhibits, look at "Exhibit 6", I can show you one of them. (Witness shows "Exhibit 6" to court and continues). Ladder coming down from top deck to second deck level. Then you have landing. Was about three 12" boards laying from this side to this side (indicating) and here is your ladder running up. It was impossible to get from the bottom up here.

100. Q. I call your attention to the man standing on the board the end of which you can see. We have evidence tending to show that board was easily pushed up from below. That it was short, and only the width of that walkway. What is your opinion of that? We have evidence that this place was built so that a man coming up could push that board up with his hand. Did you ever see anyone get up that way?

A. No, sir. One on the forward end was shut off by a steel deck.

101. Q. In what part of the lower hold did you stay?

A. On the after port side.

102. Q. Did you notice a crowd of eight to twelve men gathered on the port side of the third deck?

A. Yes, sir, there were some men there. I could not say how many. Were some men there when I dropped down to the bottom deck.

103. Q. Were they attempting to leave that locality?

A. They did not seem to be.

104. Q. Did you ever see anybody use that vertical ladder to which we just referred during the time that you were working in that hold, at any time?

A. Yes, sir. That was the only access to that hold when we started working in there.

105. Q. After the boards were laid?

A. No, no one used it, because they had other wooden ladders to go up.

106. Q. Are these men, I am referring to the gathering of men on the port side of the third deck after the fire began, were they near the coaming of the hatch or back by the bulkhead?

A. They were back towards the bulkhead.

107. Q. Did they appear to be making any effort to leave this place?

A. No, because there did not seem to be any possible way out.

108. Q. You passed them climbing down over from the edge of the hatch did you not?

A. I came out around and dropped down to the next deck.

109. Q. You could not have been more than ten feet away from them?

A. No.

110. Q. Did you notice anyone else take the same climb you did?

A. No, I did not.

111. Q. Was it your feeling when you climbed down that the fire looked awfully serious, or were you making a temporary getaway?

A. It looked serious to me. The flames were going to the top of the ship.

112. Q. Within how short a space of time when you first saw it going until it reached full height?

A. I would say two minutes of the time when it broke out or less.

113. Q. But inside two minutes you were down in the hold level?

A. Likely, say two minutes or less.

Examined by Lieutenant Commander Marshall, interested party:

114. Q. The steel decking that covered part of the hatch at various levels, do you know when that steel decking was installed on the ship?

A. One on the second deck level had been installed, I could not say positively, but about two or three days before the fire. It was secured there, I think welded. I am not taking that statement to be sure.

115. Q. You are certain it was not installed the morning of the fire?

A. Not, it was already in the hold that day. They had the ladder blocked off that day. Whether it was put in that morning or the day before, I could not say. I don't have any particular reason to remember that due to the fact I did not work on it. If I had have worked on it, I would have known.

116. Q. Up until the time that those plates had been installed, the ladder, the steel ladder in the forward end of the hold was not only usable but was used, is that not so?

A. Yes.

Re-examined by the court:

117. Q. Have you ever been in a similar emergency to this before?

A. No, sir.

118. Q. Could you give an opinion as to why you elected to go down to the lower hold through smoke and such, not knowing what was down there rather than join the group of men where you were?

A. I can tell you why. Because this fire was on the same deck as the one these men were standing, except on the opposite side of the ship. They were on the port side, and the fire was on the starboard side, and I thought that by going down I would be below the fire and below the heat, and I would get less smoke down there than I would on that deck level.

119. Q. Was it your opinion, then from a quick survey of the situation, that it was impossible to escape other than by going down?

A. That is right.

Re-examined by Clifford D. Short, a defendant:

120. Q. How does the date of April 17th impress itself on you?

A. Because that is the day we changed from the night shift to the day shift.

121. Q. That is the reason you recall this conversation?

A. Yes.

122. Q. All of you changed that same day?

A. That is right, the 17th, Mr. Short and his whole gang.

None of the parties to the inquiry desired to examine or re-examine this witness.

The court informed the witness that he was privileged to make any further statement covering anything relating to the subject matter of the inquiry which he thought should be a matter of record in connection therewith, which had not been fully brought out by the previous questioning.

The witness stated that he had nothing further to say.

The witness was duly warned and withdrew.

Neither the court, the judge advocate, nor any party to the inquiry desired any more witnesses.

The court then, at 4 p.m., adjourned until 9 a. m., tomorrow.

TENTH DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Tuesday, 9 May 1944.

The court met at 9 a.m.

Present:

Captain William D. Brereton, Jr., U. S. Navy, president;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members; and
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate.

Lieutenant Henry P. Gill, U. S. Naval Reserve, defendant;
Lieutenant Ernest D. Lennon, U. S. Naval Reserve, defendant,
and Captain Dale Quarton, U. S. Navy, one of his counsel.

Clifford D. Short, Norfolk Navy Yard, check number 26-133,
defendant; and

Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval
Reserve, interested party.

The record of proceedings of the ninth day of the inquiry was
read and approved.

Ralph J. Underwood, principal clerk-stenographer, Norfolk
Navy Yard, reporter, entered.

No witnesses not otherwise connected with the inquiry were
present.

Lieutenant Ernest D. Lennon, U. S. Naval Reserve, a defendant,
made an oral statement as follows:

On Tuesday after lunch, Mr. Lindman, electrician leadingman,
reported to me that he had found a large tack driven in a de-
gaussing cable in Number 1 hold that morning; also, the previous
morning, on the USS SATURN. I immediately contacted the In-
telligence Office and Lieutenant Shanklin was sent down to
investigate. In my opinion, the discovery of tacks in this
cable on two separate occasions may indicate that there probably
was some person with a malicious intent aboard this vessel, and
I believe this probability should be given consideration by the
court. Lieutenant Shanklin and I contacted Mr. Lindman and
arranged a watch by a leadingman and I informed Lieutenant Gill,
Executive Officer, USS SATURN. Commander Wakeman, Hull Super-
intendent, came aboard for inspection of the work during
Lieutenant Shanklin's visit to the ship.

Thursday morning, April 27th, I made my usual morning round of
inspections of all holds and compartments being worked and found
conditions normal. Thursday after lunch, April 27th I was busy
calling the Drawing Room regarding certain problems of the job
that plans did not cover until about 3 o'clock, when Lieutenant
Shanklin, Intelligence Officer returned to the ship for further
investigation. We were in conference with Lieutenant Gill,
the Executive Officer of the ship until about 4 o'clock at which
time I left the ship to try to get some urgently needed informa-
tion from the Drawing Room regarding various jobs and to check
plans delivered to the desk during the day.

I would like to state that if at any time I found excess cork or lumber in any hold above the immediate working needs of the men concerned, I had it removed immediately. At no time did I observe or know of a welding or burning operation in progress on this ship without a fire watch nor did the welders ever report the ship slow in furnishing fire watches.

Every recommendation made by the Fire Department or safety marshalls was complied with. I was on the ship every day including Sunday from April 15th through April 27th and inspected the job.

None of the other parties to the inquiry desired to make a statement.

The judge advocate desired to make no argument.

None of the parties to the inquiry desired to make an argument.

The inquiry was finished, all parties thereto withdrawing.

The court was cleared. The court was opened.

The court then, at 11:55 a.m., took a recess until 1:30 p.m., at which time it reconvened.

Present:

All the members and the judge advocate.

The court was cleared. The court was opened.

The court then, at 3:55 p.m., adjourned until 9 a.m. tomorrow.

ELEVENTH DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Wednesday, 10 May 1944.

The court met at 9 a.m.

Present:
Captain William D. Brereton, Jr., U. S. Navy, president;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members; and
Lieutenant Frederick S. Albrink, U. S. Naval Reserve, judge
advocate.

The court was cleared. The court was opened.

The court then, at 11:45 a.m., took a recess until 2 p.m.
at which time it reconvened.

Present: All the members and the judge advocate.

The court was cleared. The court was opened.

The court then, at 4:15 p.m., adjourned until 2:30 p.m.
Friday, 12 May 1944.

2. That the safety officer, and his staff, be clothed with the necessary authority to carry out his duties, and that he be not encumbered with collateral duties which might interfere with the proper performance of his functions.
3. That the staff of the medical officer of the Norfolk Navy Yard be expanded to insure attendance by a medical officer with each ambulance call within the limits of the yard.
4. That a procedure be established, whereby, upon the arrival of commissioned vessels at the yard for repair, overhaul or alterations, the fire chief and safety officer be ordered to report to the commanding officers of such vessels to confer with them, and such officers as they may designate, with a view to making use of their specialized knowledge and equipment for such aid as the vessels may require. That based on the nature of the work to be performed, the fire chief and the safety officer, should make definite recommendations as to precautions considered necessary.
5. That Lieutenant Henry P. Gill, U.S. Naval Reserve, is guilty of neglect of duty, thereby indirectly contributing to the death and injury of personnel. However, in view of the present state of war, and his status as a reserve officer no ~~other~~ proceedings should be taken against him other than a letter of admonition.
6. That Lieutenant Ernest D. Lennon, U.S. Naval Reserve, is guilty of neglect of duty, thereby indirectly contributing to the death and injury of personnel. However, in view of the present state of war, his status as a reserve officer, the high esteem in which he is held by his superiors, as evidenced by their testimony, and his exceptional diligence to a point, no proceedings should be taken against him other than a letter of admonition.
7. That Clifford D. Short, leadingman welder, Norfolk Navy Yard check number 26-133 be charged with neglect of duty, thereby directly contributing to the death and injury of personnel.

William D. Brereton Jr.
William D. Brereton, Jr.
Captain, U.S. Navy, president,

Everett H. Still
Everett H. Still,
Commander, U.S. Navy, member,

Atwell C. LaGow
Atwell C. LaGow,
Lieutenant, U.S. Naval Reserve, member.

The record of proceedings of the twelfth day of inquiry was read and approved, the court being cleared during the reading of so much thereof as pertains to the proceedings in cleared court, and the court having finished the inquiry, then at 3:15 p.m., adjourned to await the action of the convening authority.

William D. Brereton Jr.
William D. Brereton, Jr.
Captain, U.S. Navy, president,

Frederick S. Altman
Frederick S. Altman, U.S. Naval Reserve, judge

TWELFTH DAY

Norfolk Navy Yard,
Portsmouth, Virginia,
Friday, 12 May, 1944.

The court met at 2:30 p. m.

Present:

Captain William D. Brereton, Jr., U. S. Navy, president;
Commander Everett H. Still, U. S. Navy, and
Lieutenant Atwell C. LaGow, U. S. Naval Reserve, members;
and,
Lieutenant Frederick S. Albrink, U. S. Naval Reserve,
judge advocate.

The record of proceedings of the tenth and eleventh days
of the inquiry was read and approved.

The court, having thoroughly inquired into all the facts
and circumstances connected with the allegations contained
in the precept, and having considered the evidence adduced,
finds as follows:

FINDING OF FACTS

1. The U.S.S. SATURN, then an AK type vessel of nine thousand, eight hundred and fifty (9850) gross tons, (three (3) island type), length overall four hundred and twenty-four (424) feet, and having four (4) holds, arrived at the Norfolk Navy Yard at 1800 on 12 April, 1944, to undergo a major conversion to a refrigerated or AF type vessel. Work on the vessel commenced on the morning of 13 April, 1944. Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval Reserve, commanding, left the ship on authorized leave on 18 April, 1944, and returned on Friday, 28 April, 1944. During the period of his absence, Lieutenant Henry P. Gill, U. S. Naval Reserve, commanded. During the period from 13 April, 1944 to 27 April, 1944, work proceeded in holds numbers one (1), two (2), and three (3). The ship was moored port side to pier number five (5), at berth number thirty-two (32). At or about 1820 on 27 April, 1944, the weather was overcast and rainy, cool, very slight breeze from north - northeast, psychrometer indicated one hundred per cent (100%) saturation of the air.
2. At 1820 on 27 April, 1944, fire broke out in number three (3) hold of the U.S.S. SATURN. This hold comprises a space bounded between frames one hundred and five (105) to one hundred and thirty (130), (frame spacing about two and one-half (2½) feet), hatch dimensions approximately sixteen (16) feet by thirty-five (35) feet, and total volume of space about eighteen thousand, five hundred (18,500) cubic feet. The beam of the vessel at this point is about fifty-five (55) feet. The fire started on the third (3rd) deck level, starboard side, abreast the hatch opening. Fire alarm was received by the Navy Yard Fire Department at 1821. Headquarters and number three (3) engine companies responded. At about 1845 the fire was extinguished. One (1) ambulance responded to the fire alarm with the Navy Yard Fire Department, and at 1845 calls were made for all available ambulances within the yard and the surrounding communities. Medical units, including medical officers, responded from various vessels

and the yard dispensary. Rescue, first aid and resuscitation efforts proceeded from 1845 to 2030.

3. Twenty (20) persons who were injured and overcome were evacuated to the yard dispensary and later sent to the Norfolk Naval Hospital, Portsmouth, Virginia. These persons are listed as follows:

Perry Butts, Norfolk Navy Yard check number 72-1691
William Cherry, Norfolk Navy Yard check number 72-3959
Worley H. Corvin, Norfolk Navy Yard check number 26-5020
Willis Cowan, Norfolk Navy Yard check number 72-4335
Melvin Davis, Norfolk Navy Yard check number 72-4048
Forest E. Daugherty, Norfolk Navy Yard check number 26-751
Charles L. Edwards, Norfolk Navy Yard check number 61-2131
William H. Light, Norfolk Navy Yard check number 11-2421
Boyce Nichols, Norfolk Navy Yard check number 26-3028
James L. Robertson, Norfolk Navy Yard check number 72-3428
James R. Sanders, Norfolk Navy Yard check number 72-3510
Will Simmons, Norfolk Navy Yard check number 26-5764
Dorsey R. Slaughter, Norfolk Navy Yard check number 26-6446
George Spence, Norfolk Navy Yard check number 72-1603
Tommy Staples, Norfolk Navy Yard check number 11-5366
Louis T. Stone, Norfolk Navy Yard check number 26-2567
Clifford D. Short, Norfolk Navy Yard check number 26-133
Paul Tarpley, Norfolk Navy Yard check number 61-211
Harry M. Williams, Norfolk Navy Yard check number 72-764
William C. Witherspoon, Norfolk Navy Yard check number 26-2133

4. In addition to the above listed civilian personnel, Edgar Burgess Johnson, pharmacist's mate second class, U. S. Naval Reserve, attached to Norfolk Navy Yard, was treated at the yard dispensary for asphyxiation and exhaustion, and was transferred to the Norfolk Naval Hospital, Portsmouth, Virginia. Raymond W. Bohler, seaman first class, U. S. Naval Reserve, attached to the U.S.S. SATURN, was treated on board that vessel for asphyxiation and burns.

5. Efforts to revive the following fifteen (15) men terminated at 2030, having proved unsuccessful, and they were pronounced dead:

George R. Austin, Norfolk Navy Yard check number 61-1381
Willie Carr, Norfolk Navy Yard check number 72-4327
Eugene T. Harper, Norfolk Navy Yard check number 61-926
John E. Ives, Norfolk Navy Yard check number 11-267
William H. Jones, Norfolk Navy Yard check number 61-659
Robert E. Lee, Norfolk Navy Yard check number 26-5695
Jeremiah Malone, Norfolk Navy Yard check number 61-3178
Arthur R. Pumarlo, Norfolk Navy Yard check number 61-3171
W. Irvin Sink, Norfolk Navy Yard check number 61-2083
Howard E. Sprinkle, Norfolk Navy Yard check number 26-2609
Armistead H. Tharpe, Norfolk Navy Yard check number 11-6235
Thomas G. Whitley, Norfolk Navy Yard check number 61-2529
Chesman S. Wike, Norfolk Navy Yard check number 61-2524
Joseph C. Williams, Norfolk Navy Yard check number 72-8620
James S. Willis, Norfolk Navy Yard check number 11-4185

These men were identified at the yard dispensary on 27

April, 1944, and were re-identified on 28 April, 1944 by the court and supervisors of the various trades involved.

6. The vessel was, in general, undamaged. Material damage was confined to cork, wood, mineral wool insulation and electric degaussing cable, with minor damage to fire fighting equipment. Material damage was estimated as being twelve thousand, four hundred and ten dollars (\$12,410). Estimated total cost of all damage, including labor for replacement and indeterminate, amounts to twenty-three thousand, nine hundred dollars (\$23,900).

7. Preceding the fire, and at the time of the fire, the following were the supervisory personnel of the hull work going on in the U.S.S. SATURN:

Lieutenant Henry P. Gill, U.S. Naval Reserve, commanding officer, executive officer, and the vessel's hull inspector;

Lieutenant Ernest D. Lennon, U. S. Naval Reserve, ship's superintendent;

Ralph O. Welch, leadingman joiner, Norfolk Navy Yard check number 61-831;

Clifford D. Short, leadingman welder, Norfolk Navy Yard check number 26-133;

Arnold G. Burgess, leadingman painter, Norfolk Navy Yard check number 71-648;

Harry M. Williams, leadingman laborer, Norfolk Navy Yard check number 72-764;

Berbil G. James, snapper shipfitter, Norfolk Navy Yard check number 11-2801;

Additional personnel actively interested in safety measures in addition to those enumerated above were;

Lieutenant David J. Kieselbach, U.S. Naval Reserve, Norfolk Navy Yard Safety Officer;

Lieutenant (junior grade) William C. Schmidt, U. S. Naval Reserve, officer of the deck, U.S.S. SATURN, at the time of the fire;

Raymond W. Bohler, seaman first class, U. S. Naval Reserve, fire watch;

James Bailey, rigger third class, Norfolk Navy Yard check number 72-355, safety marshal;

George W. Mansfield, shipwright second class, Norfolk Navy Yard check number 61-1516, safety marshal.

8. The following fire precautions were in effect up to the time of the fire:

a. One (1) ship's fire hose led into the hold and extended to the hold level.

b. One (1) permanent fire watch stationed in the hold by the ship.

c. Several five (5) gallon pump type water tanks placed at various levels in the hold.

d. One (1) carbon dioxide (CO₂) fire extinguisher furnished to the fire watch.

e. One (1) man stationed in the new machinery space at the hold level serving as a fire and sabotage watch.

9. The following means of escape from the hold existed at the time of the fire:

a. Two (2) permanent metal ladders installed on center line, one (1) each at the forward and after extremities of the hold. The forward ladder was blocked at the third (3) deck level by a deck plate, and at the overhead by athwartship staging (Exhibit 14). The after ladder was practically obstructed by athwartship staging (Exhibit 6). This staging had been laid with a view towards possible use of this vertical ladder but attempted use of it by one (1) man during the fire was unavailing.

b. Temporary wooden ladders between levels were rigged, one (1) ladder per level.

c. There were two (2) open manholes affording access to inner bottom tanks from the hold level. During the fire, a plate was cut out of the forward bulkhead, which separated the adjacent boiler room from number three (3) hold. This access served to permit a few men to escape, otherwise no horizontal escape was available at any level.

10. The following ventilation was provided:

a. Three (3) supply type blowers placed at the main deck level with air ducts leading to the hold level.

11. The personnel employed within number three (3) hold at the start of the fire was disposed approximately as follows:

a. Hold level or inner bottoms: Five (5) welders and burners, three (3) shipfitters, eight (8) laborers and one (1) enlisted man (inside the Diesel room).

b. Third (3rd) deck level: Twelve (12) joiners (six (6) to starboard and six (6) to port), four (4) welders and burners (on the starboard side), and one (1) enlisted man on fire watch (on the starboard side).

c. Second (2nd) deck level: One (1) welder (on the port side), and three (3) riggers.

Concerned with the job, but not actually in the hold, were two (2) welders or burners, three (3) laborers, one (1) shipfitter, one (1) leadingman joiner, and one (1) leadingman welder.

12. The availability assigned for the conversion of the U.S.S. SATURN to an AF type of vessel was seventy-five (75) days. Due to urgent need for refrigerated vessels, and at the request of Commander, Service Force, Atlantic Fleet, the yard was attempting to anticipate the completion within sixty (60) days. In order to do this, simultaneous work by welders, burners, joiners, shipfitters and laborers was authorized, and the risks necessarily entailed were accepted as a necessary hazard. The risks attendant to this procedure were well recognized, and extra precautions were taken by the ship's superintendent and the vessel to minimize danger from fire.

13. Manager's Notice 23/42, dated 10 April, 1942, was then in full force and had fallen into disuse. The various vital provisions of this notice were ignored in this instance. It seems evident that the only fire watch assigned, was that made by the vessel for general duties within this space. There is no evidence to indicate that responsible personnel had requested specific fire watches.

14. On the afternoon of 27 April, 1944, between 1430 and 1630, a quantity of cork was prepared for use by the joiners, and was stored on the starboard side of the third (3rd) deck, at the end of the shift at 1645. This cork had been painted on edges and partially on sides, (Exhibit 4), with a bituminous primer recognized as a volatile and an inflammable substance, containing about sixty per cent (60%) petroleum spirits. This bulk of cork comprised an area of about thirty-six (36) square feet at the base, and about four (4) feet high. The fire started within, or on the edge of this pile of cork. Prior to the fire, sparks from a welding or burning evolution had been seen by several witnesses to fall on this prepared cork.

15. The fire started as a series of small flames and spread rapidly, probably because of the presence of volatile gases, and was augmented by the force of carbon dioxide (CO₂) projected upon it from a short distance, (one (1) to two (2) feet), thereby tending to accelerate the progress of the flame.

16. Of the men who were stationed on the third (3rd) deck, three (3) escaped by means of the wooden ladder, and two (2) escaped either up or down by means of hose or electric cable. Fourteen (14) men congregated in the port aft corner on this third (3rd) deck level, in an effort to escape the flames. It was here that they were trapped and were overcome by fumes and lost their lives as a result of carbon monoxide (CO) poisoning. The fifteenth (15th) fatality was found in the hold level.

OPINION

1. That there existed a general lack of appreciation of the necessity to provide for the potentialities of fire and the attendant danger to personnel concerned under the circumstances.

2. That although various conferences had recognized the danger of permitting welders, joiners and painters to work simultaneously within this hold, there was a general neglect on the part of the officers and leadingmen concerned, to take, or cause to be taken, definite precautions to lessen the danger of such a disaster as occurred, namely; (a) insufficient fire watches provided to cover the various operations and the various deck levels; (b) inadequate equipment provided welders and burners as required by Manager's Notice 23/42; (c) inadequate ventilation to remove combustible gases as required by Manager's Notice 23/42; (d) initial preparation of the cork adjacent to welding and burning operations; and (e) inadequate provision of usable access and escape.

3. That the organization of the safety office is inadequate for an activity of the type and size of the Norfolk Navy Yard. The Safety Officer has been performing many collateral duties simultaneously. Furthermore, his educational background is not that of a safety engineer. Safety marshals are insufficiently trained and demonstrate a lack of experience in safety measures.

4. That Lieutenant Commander Thomas A. Marshall, Jr., U.S. Naval Reserve, commanding officer, U.S.S. SATURN, had taken due and proper precautions prior to his departure on authorized leave.

5. That Lieutenant Henry P. Gill, U.S. Naval Reserve, commanding officer, U.S.S. SATURN during the absence of Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval Reserve, and at the time of the fire, demonstrated a lack of knowledge of the hazard involved in the preparation of cork within the hold simultaneously with welding and burning, and did fail to provide adequate fire watches, ventilation, and means of escape.

6. That Lieutenant Ernest D. Lennon, U.S. Naval Reserve, ship's superintendent, thoroughly recognized the hazards of the task at hand and that the dangers involved in the simultaneous working of various trades in the hold was accepted by him as unavoidable and necessary on the basis of a calculated risk. Although he was unusually diligent in some features of his responsibility in the matter, he neglected to carry out the following: (a) check to insure that each welder or burner, and the leadingman welder, were complying with the provisions of Manager's Notice 23/42, specifically paragraphs 3(a), 4(a), 5(d) and 5(g), as he is required to do by the provisions of paragraph 4(d) thereof; (b) prevent the accumulation of treated cork within the hold where welding and burning was going on; (c) provide adequate usable escape from number three (3) hold.

7. That Clifford D. Short, leadingman welder, Norfolk Navy Yard check number 26-133 had failed to carry out the provisions of Manager's Notice 23/42, and thereby endangered the lives of personnel employed with him in number three (3) hold of the U.S.S. SATURN. He did, however, take occasion to object, to his immediate superior, to the procedure being followed but did fail to pursue his objection beyond this one instance.

8. That the welders and burners working under said Clifford D. Short, are charged with certain responsibilities as prescribed by Manager's Notice 23/42, but due to its status of disuse, they had not been impressed with the importance of the provisions prescribed in this notice and did not comply with it.

9. That the deaths occasioned, and the injuries sustained by personnel, both naval and civilian, were incurred in line of duty, and were not due to their own misconduct.

10. That during the very early stages of the fire, certain personnel who died from carbon monoxide (CO) poisoning, might have escaped either upwards or downwards as others were successful in doing.

RECOMMENDATIONS

1. That an adequate safety organization, headed by a thoroughly qualified safety officer be established in the Norfolk Navy Yard.

Lieutenant Henry P. Gill, U. S. Naval Reserve,
commanding officer, executive officer, and the
vessel's hull inspector;

Lieutenant Ernest D. Lennon, U. S. Naval Reserve,
ship's superintendent;

Ralph O. Welch, leadingman joiner, Norfolk Navy Yard
check number 61-831;

Clifford D. Short, leadingman welder, Norfolk Navy Yard
check number 26-133;

Arnold G. Burgess, leadingman painter, Norfolk Navy
Yard check number 71-648;

Harry M. Williams, leadingman laborer, Norfolk Navy
Yard check number 72-764;

Berbil G. James, snapper shipfitter, Norfolk Navy Yard
check number 11-2801;

Additional personnel actively interested in safety measures
in addition to those enumerated above were:

Lieutenant David J. Kieselbach, U. S. Naval Reserve,
Norfolk Navy Yard Safety Officer;

Lieutenant (junior grade) William C. Schmidt, U. S.
Naval Reserve, officer of the deck, U.S.S. SATURN,
at the time of the fire;

Raymond W. Bohler, seaman first class, U. S. Naval
Reserve, fire watch;

James Bailey, rigger third class, Norfolk Navy Yard
check number 72-355, safety marshal;

George W. Mansfield, shipwright second class, Norfolk
Navy Yard check number 61-1516, safety marshal.

8. The following fire precautions were in effect up to the
time of the fire:

a. One (1) ship's fire hose led into the hold and extended
to the hold level.

b. One (1) permanent fire watch stationed in the hold by
the ship.

c. Several five (5) gallon pump type water tanks placed at
various levels in the hold.

d. One (1) carbon dioxide (CO₂) fire extinguisher furnished
to the fire watch.

e. One (1) man stationed in the new machinery space at the
hold level serving as a fire and sabotage watch.

9. The following means of escape from the hold existed at the time of the fire:

a. Two (2) permanent metal ladders installed on center line, one (1) each at the forward and after extremities of the hold. The forward ladder was blocked at the third (3) deck level by a deck plate, and at the overhead by athwartship staging (Exhibit 14). The after ladder was practically obstructed by athwartship staging (Exhibit 6). This staging had been laid with a view towards possible use of this vertical ladder but attempted use of it by one (1) man during the fire was unavailing.

b. Temporary wooden ladders between levels were rigged, one (1) ladder per level.

c. There were two (2) open manholes affording access to inner bottom tanks from the hold level. During the fire, a plate was cut out of the forward bulkhead, which separated the adjacent boiler room from number three (3) hold. This access served to permit a few men to escape, otherwise no horizontal escape was available at any level.

10. The following ventilation was provided:

a. Three (3) supply type blowers placed at the main deck level with air ducts leading to the hold level.

11. The personnel employed within number three (3) hold at the start of the fire was disposed approximately as follows:

a. Hold level or inner bottoms: Five (5) welders and burners, three (3) shipfitters, eight (8) laborers and one (1) enlisted man (inside the Diesel room).

b. Third (3rd) deck level: Twelve (12) joiners (six (6) to starboard and six (6) to port), four (4) welders and burners (on the starboard side), and one (1) enlisted man on fire watch (on the starboard side).

c. Second (2nd) deck level: One (1) welder (on the port side), and three (3) riggers.

Concerned with the job, but not actually in the hold, were two (2) welders or burners, three (3) laborers, one (1) shipfitter, one (1) leadingman joiner, and one (1) leadingman welder.

12. The availability assigned for the conversion of the U.S.S. SATURN to an AF type of vessel was seventy-five (75) days. Due to urgent need for refrigerated vessels, and at the request of Commander, Service Force, Atlantic Fleet, the yard was attempting to anticipate the completion within sixty (60) days. In order to do this, simultaneous work by welders, burners, joiners, shipfitters and laborers was authorized, and the risks necessarily entailed were accepted as a necessary hazard. The risks attendant to this procedure were well recognized, and extra precautions were taken by the ship's superintendent and the vessel to minimize danger from fire.

13. Manager's Notice 23/42, dated 10 April, 1942, was then in full force and had fallen into disuse. The various vital provisions of this notice were ignored in this instance. It seems evident that the only fire watch assigned, was that made by the vessel for general duties within this space. There is no evidence to indicate that responsible personnel had requested specific fire watches.

14. On the afternoon of 27 April, 1944, between 1430 and 1630, a quantity of cork was prepared for use by the joiners, and was stored on the starboard side of the third (3rd) deck, at the end of the shift at 1645. This cork had been painted on edges and partially on sides, (Exhibit 4), with a bituminous primer recognized as a volatile and an inflammable substance, containing about sixty per cent (60%) petroleum spirits. This bulk of cork comprised an area of about thirty-six (36) square feet at the base, and about four (4) feet high. The fire started within, or on the edge of this pile of cork. Prior to the fire, sparks from a welding or burning evolution had been seen by several witnesses to fall on this prepared cork.

15. The fire started as a series of small flames and spread rapidly, probably because of the presence of volatile gases, and was augmented by the force of carbon dioxide (CO_2) projected upon it from a short distance, (one (1) to two (2) feet), thereby tending to accelerate the progress of the flame.

16. Of the men who were stationed on the third (3rd) deck, three (3) escaped by means of the wooden ladder, and two (2) escaped either up or down by means of hose or electric cable. Fourteen (14) men congregated in the port aft corner on this third (3rd) deck level, in an effort to escape the flames. It was here that they were trapped and were overcome by fumes and lost their lives as a result of carbon monoxide (CO) poisoning. The fifteenth (15th) fatality was found in the hold level.

OPINION

1. That there existed a general lack of appreciation of the necessity to provide for the potentialities of fire and the attendant danger to personnel concerned under the circumstances.

2. That although various conferences had recognized the danger of permitting welders, joiners and painters to work simultaneously within this hold, there was a general neglect on the part of the officers and leadingmen concerned, to take, or cause to be taken, definite precautions to lessen the danger of such a disaster as occurred, namely; (a) insufficient fire watches provided to cover the various operations and the various deck levels; (b) inadequate equipment provided welders and burners as required by Manager's Notice 23/42; (c) inadequate ventilation to remove combustible gases as required by Manager's Notice 23/42; (d) initial preparation of the cork adjacent to welding and burning operations; and (e) inadequate provision of usable access and escape.

3. That the organization of the safety office is inadequate for an activity of the type and size of the Norfolk Navy Yard. The Safety Officer has been performing many collateral duties simultaneously. Furthermore, his educational background is not that of a safety engineer. Safety marshals are insufficiently trained and demonstrate a lack of experience in safety measures.
4. That Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval Reserve, commanding officer, U.S.S. SATURN, had taken due and proper precautions prior to his departure on authorized leave.
5. That Lieutenant Henry P. Gill, U. S. Naval Reserve, commanding officer, U.S.S. SATURN, during the absence of Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval Reserve, and at the time of the fire, demonstrated a lack of knowledge of the hazard involved in the preparation of cork within the hold simultaneously with welding and burning, and did fail to provide adequate fire watches, ventilation, and means of escape.
6. That Lieutenant Ernest D. Lennon, U. S. Naval Reserve, ship's superintendent, thoroughly recognized the hazards of the task at hand and that the dangers involved in the simultaneous working of various trades in the hold was accepted by him as unavoidable and necessary on the basis of a calculated risk. Although he was unusually diligent in some features of his responsibility in the matter, he neglected to carry out the following: (a) check to insure that each welder or burner, and the leadingman welder, were complying with the provisions of Manager's Notice 23/42, specifically paragraphs 3(a), 4(a), 5(d) and 5(g), as he is required to do by the provisions of paragraph 4(d) thereof; (b) prevent the accumulation of treated cork within the hold where welding and burning was going on; (c) provide adequate usable escape from number three (3) hold.
7. That Clifford D. Short, leadingman welder, Norfolk Navy Yard check number 26-133 had failed to carry out the provisions of Manager's Notice 23/42, and thereby endangered the lives of personnel employed with him in number three (3) hold of the U.S.S. SATURN. He did, however, take occasion to object, to his immediate superior, to the procedure being followed but did fail to pursue his objection beyond this one instance.
8. That the welders and burners working under said Clifford D. Short, are charged with certain responsibilities as prescribed by Manager's Notice 23/42, but due to its status of disuse, they had not been impressed with the importance of the provisions prescribed in this notice and did not comply with it.
9. That the deaths occasioned, and the injuries sustained by personnel, both naval and civilian, were incurred (in line) of duty, and ~~were not~~ due to their own misconduct.
10. That during the very early stages of the fire, certain personnel who died from carbon monoxide (CO) poisoning, might have escaped either upwards or downwards as others were successful in doing.

RECOMMENDATIONS

1. That an adequate safety organization, headed by a thoroughly qualified safety officer be established in the Norfolk Navy Yard.

2. That the safety officer, and his staff, be clothed with the necessary authority to carry out his duties, and that he be not encumbered with collateral duties which might interfere with the proper performance of his functions.

3. That the staff of the medical officer of the Norfolk Navy Yard be expanded to insure attendance by a medical officer with each ambulance call within the limits of the yard.

4. That a procedure be established, whereby, upon the arrival of commissioned vessels at the yard for repair, overhaul or alterations, the fire chief and safety officer be ordered to report to the commanding officers of such vessels to confer with them, and such officers as they may designate, with a view to making use of their specialized knowledge and equipment for such aid as the vessels may require. That based on the nature of the work to be performed, the fire chief and the safety officer, should make definite recommendations as to precautions considered necessary.

75a 5. That Lieutenant Henry P. Gill, U. S. Naval Reserve, is guilty of neglect of duty, thereby indirectly contributing to the death and injury of personnel. However, in view of the present state of war, and his status as a reserve officer no ~~other~~ proceedings should be taken against him other than a letter of admonition.

6. That Lieutenant Ernest D. Lennon, U.S. Naval Reserve, is guilty of neglect of duty, thereby indirectly contributing to the death and injury of personnel. However, in view of the present state of war, his status as a reserve officer, the high esteem in which he is held by his superiors, as evidenced by their testimony, and his exceptional diligence to a point, no proceedings should be taken against him other than a letter of admonition.

7. That Clifford D. Short, leadingman welder, Norfolk Navy Yard check number 26-133 be charged with neglect of duty, thereby directly contributing to the death and injury of personnel.

William
Captain,

Frederick H. St.
Everett H. St.
Commander, U.S.

Atwell C. LaGow,
Lieutenant, U.S. Naval Re.

William D. Brereton,
Captain, U.S. Navy, president,

Frederick S. Albrink,
Lieutenant, U.S. Naval Reserve, judge ad.

The record of proceedings of the twelfth day of inquiry
read and approved, the court being cleared during the
of so much thereof as pertains to the proceedings in cl
court, and the court having finished the inquiry, then a
p.m., adjourned to await the action of the convening auth

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TESTIMONY

NAME OF WITNESS	Examined and Reexamined by					
	: Judge	: Lt. Gill	: Lt. Lennon	: C.D.	: Lt. Cdr.	: Court
	: Advocate	: USNR	: USNR	: Short	: Marshall	:
	:	:	:	: 26-133	: USNR	:
Waverly E. Sykes, civilian	: 4, 9	: 10, 11	: 9, 10, 12	:	:	: 8, 9, 11
Dorsey R. Slaughter, civilian	: 12, 14	: 15	:	:	:	: 14, 15
Ralph O. Welch, civilian	: 15, 17	: 18	: 17	:	:	: 17
Jesse F. Horner, civilian	: 18	: 20	:	:	:	:
Clifford D. Short, civilian	: 20, 25, 45	: 25	: 25	:	:	: 23
Cabble Scott, civilian	: 27	: 29	: 29	:	:	:
George Thomas, civilian	: 29	: 34	: 33	:	:	: 34
Abbot Lutz, s 2/c, USNR	: 35	:	:	:	:	:
Otis W. McGehee, civilian	: 36, 39	:	: 39	:	:	: 40
Berbil G. James, civilian	: 40	:	:	:	:	:
J. Howard Branan, Capt, USN(Ret)	: 43	:	:	:	:	:
Thomas A. Marshall, Lt. Cdr. USNR	: 49, 117	:	: 56	:	:	:
Harry M. Williams, civilian	: 58, 65	: 63	: 61, 64	: 62	: 64	: 64
Arnold G. Burgess, civilian	: 66, 76	:	: 73	: 75, 79	: 76	:
Cecil M. Sterne, Lt. Cdr. USNR	: 80, 88	:	: 86, 88	: 87	: 87	: 86
Quentin R. Pirkle, Lt. (jg)	:	:	*	:	:	:
MC, USNR	: 88, 92, 93	:	: 91	: 91	: 91, 92	: 91
Edmund J. Hoffman, Lt. Dr., USN	: 93	:	:	:	: 94	:
David J. Kieselbach, Lt. USNR	: 95	:	: 107	: 109	: 109	: 111
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Raymond W. Bohler, s 1/c, USNR	: 118, 126	:	: 125	: 125	: 125	:
	:	:	:	:	:	:
Called by Defendants and	:	:	:	:	:	:
Interested Parties	:	:	:	:	:	:
Oscar Ogle, civilian	: 128, 130	:	: 129	: 127	: 129	: 132
	: 133	:	:	:	:	:
Wm. C. Schmidt, Lt. (jg), USNR	: 135	:	:	: 136	: 134, 136	: 138
Philip F. Wakeman, Cdr., USN	: 139	:	: 138, 139	:	: 142	: 142
Webster M. Thompson, Capt. USN	: 146	:	: 144, 150	:	: 149, 150	:
Forest P. Daugherty, civilian	: 154	:	:	: 151, 162	: 161	: 159, 161

DECLASSIFIED
Authority NN055582

In reply, address
Commandant, Norfolk Navy Yard
Portsmouth, Va.

rgh

NORFOLK NAVY YARD
PORTSMOUTH, VA.

Refer to
File No. 167320
Folder No. 8

CHEMICAL LABORATORY
REPORT OF CHEMICAL ANALYSIS

The sample marked Bituminous Enamel removed from deck, #3 Hold,
U.S.S. SATURN.

Call No.

Contract No.

File No.

Order No.

Referred by Shop Supt.

Supplied by Test Officer
Lt. Comdr., Sterne

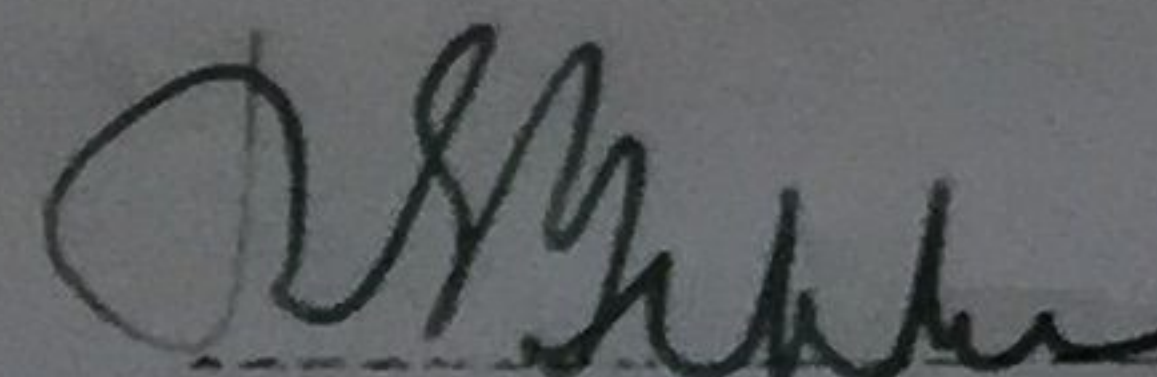
has been examined per 52-P-17a, 3/1/41

with the following results:

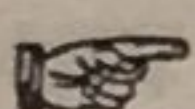
Origin ----- Asphaltic
*Flash Point (Cleveland Open Cup) ----- 240°F.
Fire Point (Cleveland Open Cup) ----- 425°F.
Softening Point (Ring & Ball) ----- 221°F.

NOTE (1): The exact flash point of this material could not
be determined because flashing began before the
material became thoroughly melted and mixed.
Observations indicate that low flash point is
probably due to residual solvent originating in the
priming coat.

CC:



R. S. GIBBS, Senior Chemist "Exhibit 22"

Address Reply to 
Refer to No.
ND5(22)/A17-24(1)

HEADQUARTERS FIFTH NAVAL DISTRICT
Naval Operating Base
Norfolk 11, Virginia

28 April 1944.

From: Commandant Fifth Naval District and Naval Operating Base,
Norfolk, Virginia.
To: Captain William D. Brereton, Jr., U. S. Navy.
Via: Commandant Norfolk Navy Yard, Portsmouth, Virginia.
Subject: Court of Inquiry for the purpose of inquiring into all of the
circumstances connected with a fire which occurred at or about
6:20 p.m. on 27 April 1944, on board the U.S.S. SATURN (AK-49),
while said vessel was undergoing repairs at the Norfolk Navy
Yard, Portsmouth, Virginia.

1. Pursuant to the authority vested in me by the Secretary of the Navy, Navy Department file A17-11(1)/A17-20, dated 24 July 1943, and Article 55, Articles for the Government of the Navy (Appendix B-57, Naval Courts and Boards), a court of inquiry consisting of yourself as president, and of Commander Everett H. Still, U. S. Navy, and Lieutenant Atwell C. LaGow, U. S. Naval Reserve, as additional members, and of Lieutenant Frederick S. Albrink, U. S. Naval Reserve, as Judge Advocate, is hereby ordered to convene at the Norfolk Navy Yard, Portsmouth, Virginia, at 8 a.m., 28 April 1944, or as soon thereafter as practicable, for the purpose of inquiring into all of the circumstances connected with a fire which occurred at or about 6:20 p.m. on 27 April 1944, on board the U.S.S. SATURN AK-49, while said vessel was undergoing repairs at the Norfolk Navy Yard, Portsmouth, Virginia, and which resulted in the death of certain persons, the injury of certain other persons, and damage and destruction of property.
2. The court will make a thorough investigation into all the circumstances connected with the aforesaid fire, the causes thereof, damages to property and destruction of property resulting therefrom, injuries to personnel incident thereto, and the responsibility therefor.
3. The attention of the court is particularly invited to Section 734, Naval Courts and Boards.
4. The court will include in its findings a full statement of the facts it may deem to be established. The court will further give its opinion as to whether any offenses have been committed or serious blame incurred; and in case its opinion be that offenses have been committed or serious blame incurred, will specifically recommend what further proceedings should be had. The court will also give the opinion called for by Sections 723 and 735(b), Naval Courts and Boards.
5. Immediately upon completion of the investigation, an advance copy will be forwarded to the Judge Advocate General. The original and three copies of the record will be prepared for the Commandant Fifth Naval District.
6. The Commandant of the Norfolk Navy Yard, Portsmouth, Virginia, is hereby directed to furnish the necessary clerical assistance for the purpose of assisting the Judge Advocate in recording the proceedings of this court of inquiry.

Copy to:
Comdr. Still, USN
Lt. LaGow, USNR
Lt. Albrink, USNR
D.L.O.
Personnel Clerk

R. S. Crenshaw
R. S. CRENSHAW
ACTING
: AF40/L11(1-CS) 28 April 1944
: End-1
: From: Comdt. NYNor
: To: Captain William D. Brereton, Jr., USN
: 1. Delivered.

AF40/L11(1); HC A17-25(176)

Felix Gygax
FELIX GYGAX

NORFOLK NAVY YARD

DEC.
1942

Jan.

Feb.

Mar.

Apr.

May

June

July

Aug.

Sept.

Oct.

Nov.

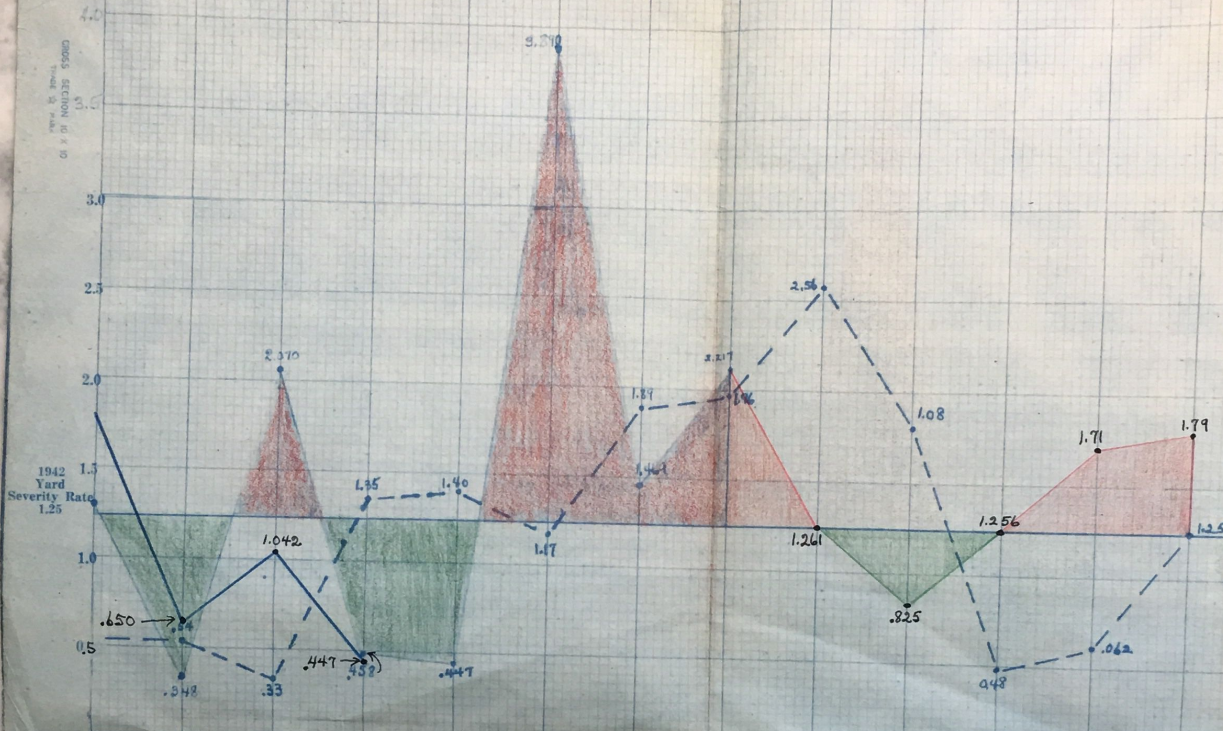
Dec.

1943 SEVERITY RATES

RED AND GREEN = 1943 EXPERIENCE MONTH-BY-MONTH

BROKEN LINE = 1942 EXPERIENCE MONTH-BY-MONTH

SOLID BLUE LINE = 1944 EXPERIENCE MONTH-BY-MONTH



DEC.
1942

Jan.

Feb.

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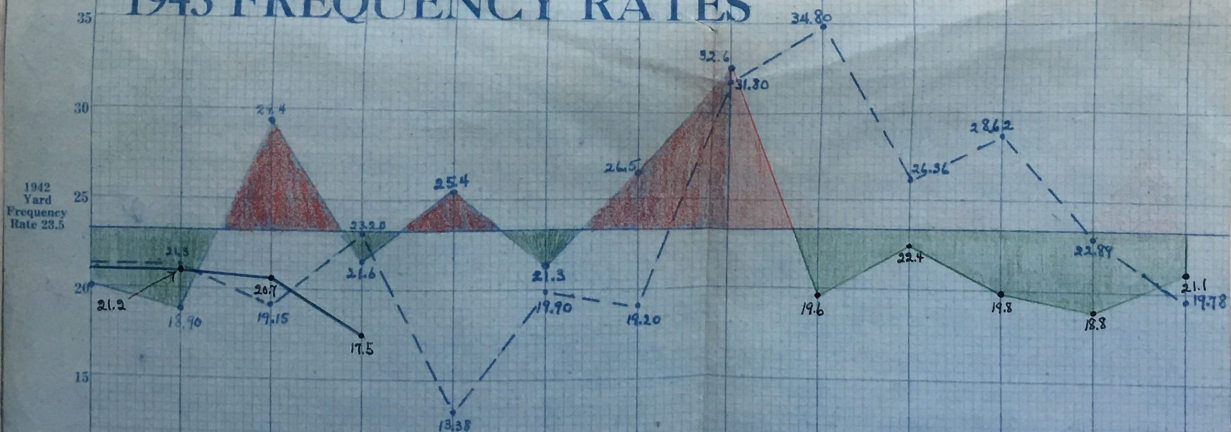
Sept.

Oct.

Nov.

Dec.

1943 FREQUENCY RATES



Certified a true copy.
J. J. Russell
Sgt. USNR

"EXHIBIT 23(2)"

DECLASSIFIED
Authority NN055582

REPLY TO
JUDGE ADVOCATE GENERAL

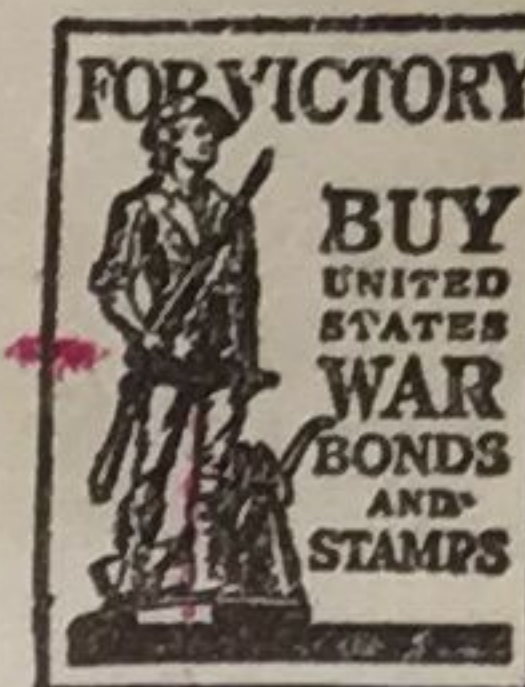
AND REFER TO

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A17-24/AK49

NOV 10 1944
End--1

NAVY DEPARTMENT
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

OP. 13
NOV 11 24 PM



To: SECP
Via: (1) CNO
(2) BuPers
(3) BuMed
(4) BuShips

11 11 119



Subj: Ct. of Inq. - Fire on board USS SATURN (AK-49);
deaths of and injuries to civilian and U. S.
naval personnel; conv. by Com 5, 28 Apr. 1944.

1. Forwarded for recommendation.
2. Any claim which may arise from the deaths of and injuries to civil service personnel will be submitted under the Employees Compensation Act (Act of September 7, 1916, 39 Stat. 748, 5 U.S.C. 779), the administration of which is not under the jurisdiction of the Navy Department. No opinion is expressed as to line of duty or misconduct.
3. It is the opinion of the Judge Advocate General that the injuries to Edgar Burgess Johnson, pharmacist's mate second class, U.S.N.R., and Raymond W. Bohler, seaman first class, U.S.N.R., occurred on 27 April 1944, not as the result of their own misconduct.
4. The determination of the question of line of duty is not now necessary in these cases.
5. Subject to the above remarks, and to the remarks of the convening authority the proceedings, findings, opinion, and recommendations in the attached case and the action of the convening authority thereon, are legal.

By direction of the Judge Advocate General:

2260373

H. A. SAILOR
Captain, U.S.N.

NOTED:
Amplification
and Study Unit
W.H.W.

By 1/5/45

PRINT

2. After the work had progressed several days, at approximately 1820 of 27 April 1944 fire broke out on the third deck level of hold No. 3 in which some fifty persons were working. The fire was started by sparks or hot metal from welding operations overhead and directly beneath the main deck dropping on a pile of cork blocks located on the starboard side of the third deck near the coaming which had been treated by the painters with bituminous primer and left there at the end of the day shift to be installed by the joiners during the extra hours they were working during the night shift. When the fire was discovered, the roving fire watch on that deck attempted unsuccessfully to extinguish it by means of a CO₂ fire extinguisher, and within a few minutes the flames had spread throughout hold No. 3, reaching the main deck and filling hold No. 3 with smoke and other gases. Both permanent steel ladders leading from the bottom of this hold to the main deck had been blocked by installation of new deck plate and scaffolding during construction, and a temporary wooden ladder leading from the third deck was quickly blocked by the flames. Most of the men working in this hold were unable to get out. Fifteen civilian workmen lost their lives, twenty civilian workmen and two naval personnel received injuries and the ship was damaged in the estimated amount of \$23,900.

3. The prepared cork accumulated in excess of immediate needs and left in the hold, as well as that laid during the day, had been painted within hold No. 3 with the highly inflammable bituminous primer, welders and cutters were working on every deck level without individual fire watches, without asbestos gloves, asbestos blankets and fire extinguishers, without removing or covering inflammable material nearby, and without warning to those below, all in violation of yard safety and fire regulations and the special precautionary measures established. All the workmen and their leadingmen and the roving fire watch knew of these hazardous conditions, and the fire marshals, safety marshal, safety officer, ship inspector, commanding officer and officer of the deck either knew, or would by adequate inspection which they were under the duty to make, have known of such hazardous conditions. Adequate inspection would also have revealed that means of exit necessary to safety of personnel were blocked. The ventilation system provided by supply blowers was ill adapted to remove the dangerous vapors from the hold, for contrary to the statement of Lieutenant Commander Cecil M. Sterne, U. S. Naval Reserve, made in his testimony as an expert called by the court, the gases given off upon evaporation of the petroleum spirits composing 60% of the bituminous primer were 3 to 4 times heavier than air.

4. The evidence plainly shows an utterly appalling disregard by everyone working in or supervising and inspecting work in hold No. 3 not only of the special safety measures agreed upon and established and the fire and safety regulations of the Yard, but also of the ordinary care and prudence which reasonable men in their place undoubtedly should have exercised. Had the safety and fire regulations been observed, in spite of the great fire hazard involved in the work, everything indicates that the work would have been carried out without any such destructive conflagration.

5. Moreover, the Commanding Officer of the vessel, on leave at the time of the fire, and the acting commanding officer, had failed to appoint the assistant inspectors and subinspectors required by Article 1536 of Navy Regulations and hence had failed to organize ship personnel so as to assure proper coordination between ship and yard and provide for adequate inspection during progress of the work which if carried out would undoubtedly have prevented the dangerous conditions which led to the fire. Furthermore the Officer of the Deck failed to comply with Articles 1061 and 1071 of Navy Regulations which charge him with responsibility for the safety of his ship under the Commanding Officer. The roving fire watch appeared not to have been instructed properly as to his duties.

11 11 119

6. While many persons were involved in such a way that accusations against them might be implied, the court accorded the status of defendant only to Lieutenant Henry P. Gill, U. S. Naval Reserve, acting commanding officer of the vessel, Lieutenant Ernest D. Lennon, U. S. Naval Reserve, ship superintendent, and Clifford D. Short, civilian employee at the Yard and Leadingman Welder. No doubt the fire would not have occurred had these persons performed the duties with which charged, but the court erred in not having accorded the status of defendant to others who were involved. It is the opinion of the Convening Authority, however, that no substantially useful purpose will now be served by following the procedure provided in Section 736 (b) and (c) of Naval Courts and Boards.

7. The court should have taken testimony with respect to the matter of inspection by fire marshals of the Yard Fire Department three times during each watch as agreed upon and established. The record fails to disclose whether such inspections were made, the names of those charged with making such inspections, and what if anything was done by such inspectors during the watch in which the fire occurred. It seems obvious that such an inspection adequately carried out during the afternoon of the day of the fire would have revealed the existing dangerous conditions.

8. The Convening Authority notes that the court permitted considerable testimony with respect to the duties with which various officers of the Yard were charged. The best evidence of those duties would have been the Manual of the Norfolk Navy Yard and existing orders and directives. The court also erred in permitting opinion testimony with respect to the interpretation of orders, directives and other provisions having the force of law. Generally the interpretation of law is itself a matter of law, the determination of which is peculiarly a function of the court. Most of such testimony was argumentative and served only to confuse the real issues.

9. The Convening Authority does not approve the following parts of the Finding of Facts of the court:

A. The statement in paragraph 7, first subparagraph thereof, that Lieutenant Henry P. Gill was the vessel's hull inspector. Being the acting commanding officer he was the inspector by virtue of Article 1536 of Navy Regulations.

B. The statement in paragraph 12 that the availability of the vessel for the conversion was 75 days.

C. The statement in the last sentence of paragraph 12 that the risks attendant to this procedure were well recognized.

D. The statement in paragraph 13, that "Manager's Notice of 10 April 1942 (Exhibit 1) had fallen into disuse". The evidence does not show disuse; it shows noncompliance and failure to enforce.

E. The statement in paragraph 15 that the fire was augmented by the force of carbon dioxide projected upon it from a short distance.

10. The Convening Authority does not approve the following parts of the Opinion of the Court:

A. The statement in paragraph 4 that the Commanding Officer of the U.S.S. Saturn had taken due and proper precautions prior to going on leave.

B. The statement in paragraph 5 that the Commanding Officer had failed to furnish fire watches for the welders and cutters. The evidence shows that none were requested as required. The failure of the Commanding Officer was in permitting the welders and cutters

to work without fire watches.

C. The last sentence in paragraph 7. That statement is not one of opinion.

D. That part of paragraph 8 which states that Exhibit 1 had fallen into "disuse".

E. Paragraph 9. The law under which compensation is granted to civilian personnel and their dependents is not under the administration of the Navy Department.

F. Paragraph 10, which is matter of pure speculation rather than an opinion warranted by the evidence.

11. And the Convening Authority does not approve the following of the Court's Recommendations:

A. Paragraph 2 of the Recommendations. The Safety Officer and his staff were clothed with sufficient authority to carry out their duties. The Safety Officer is an officer of the general yard administration but for administrative purposes is a part of the Personnel Relations Division of the Industrial Department under the manager. He reports for additional duty to the head of each department in which civilian employees are enrolled and acts in an advisory capacity to the heads of all departments. His duties are purely staff or advisory -- to instruct, advise, inspect, report, recommend and prepare records on safety matters. Neither he nor his staff has the duty or authority, administrative or executive, to enforce safety measures. It is the responsibility of management to enforce safety directives and good safety practices. This is clear from the Norfolk Navy Yard Manual, Articles 3501-35-3, pp. 3-49 et seq, and from the Commandant's Safety Order No. 1/44 issued by the Commandant of the Yard 11 May 1944. As to that part of this paragraph which recommends that the Safety Officer be relieved of certain collateral duties, steps to effect that had been taken sometime prior to the fire and an officer had been assigned by the Department to take over those collateral duties, but at the time of the fire he had not reported.

B. Paragraph 3 of the Recommendations. The evidence does not show any failure on the part of the Medical Department, Ambulance, Rescue and First Aid services and facilities of the Yard, and there appears to be no reason in support of the suggested change.

C. Paragraph 4 of the Recommendations. The procedure suggested already exists, and the evidence in the record shows actually that the Fire Chief, after going over the situation with the Ship Superintendent and the Commanding Officer of the vessel, made specific suggestions as to precautions designed to reduce the fire hazard which were adopted and established, but unfortunately some of them were ignored. The Commandant's authority over vessels in Commission at the Yard for any purpose embraces the power and duty of enforcement of the police and fire regulations of the Yard, and those regulations as well as safety regulations and rules of safe practice of the Yard are applicable to work done by the Yard on vessels in Commission. Upon arrival of a vessel at the Yard, the Commanding Officer is supplied with those rules and regulations and the facilities, personnel and services of the Yard relating to such matters are available to the vessel. The Commanding Officer remains responsible for the safety of his vessel (Article 1504 of Navy Regulations), but compliance with Article 1536 of Navy Regulations will avoid any conflict between the Yard and the vessel and will result in complete coordination between

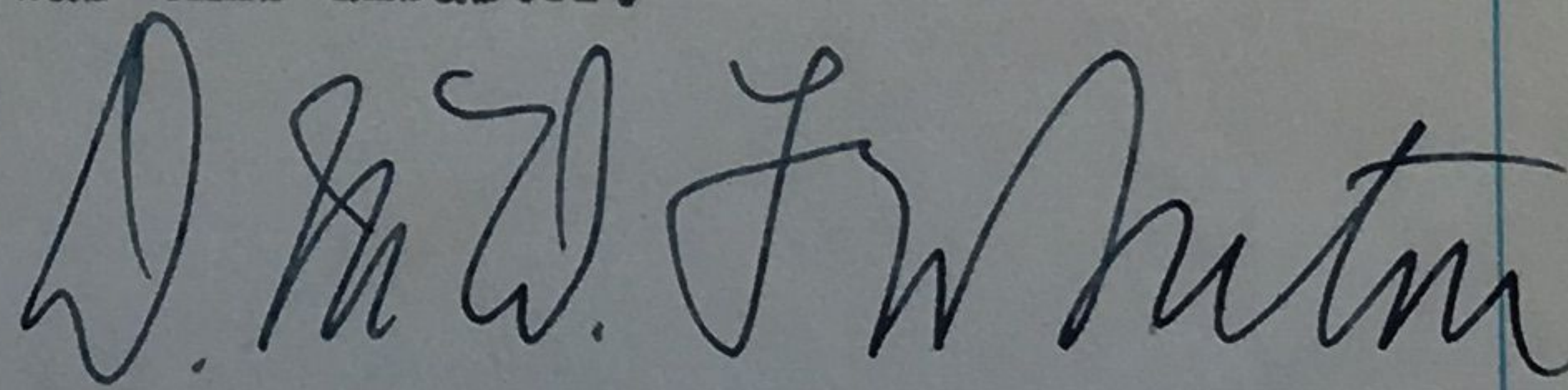
the vessel and the divisions of the Industrial Department of the Yard, the responsibilities of which include enforcement of safety regulations and safe practice. The Ship Superintendent acts as the representative of the Production Division of the Industrial Department in the transaction of the business of that Division with the officers of the vessel. Yard authorities should assure themselves that the provisions of Article 1536 Navy Regulations are complied with before work on a ship in commission is begun.

12. Subject to the above comment, the proceedings, the finding of facts, opinion and recommendations, with the exception of those specified in paragraphs 9, 10 and 11 hereof, of this Court of Inquiry convened to inquire into all of the circumstances connected with said fire which occurred on board the U.S.S. Saturn (AK-49) while said vessel was at the Norfolk Navy Yard, Portsmouth, Virginia, are approved.

13. With respect to paragraphs 5 and 6 of the Recommendations of the Court the Convening Authority recommends that the letters of admonition therein specified be sent to the officers named by the Secretary of the Navy.

14. As to paragraph 7 of the Recommendations of the Court, the Convening Authority is informed that the manager of the Yard made the charges recommended against Clifford D. Short, leadingman welder, that the charges were answered, that the manager found him guilty of negligence in failing to provide a fire watch for each welder working at the time of the fire, and imposed upon him the minimum penalty which consisted of a warning to Short that his responsibilities as a supervisor require him to see that safety regulations as regards fire watches are carried out except where competent higher authority assumes the responsibility in individual cases.

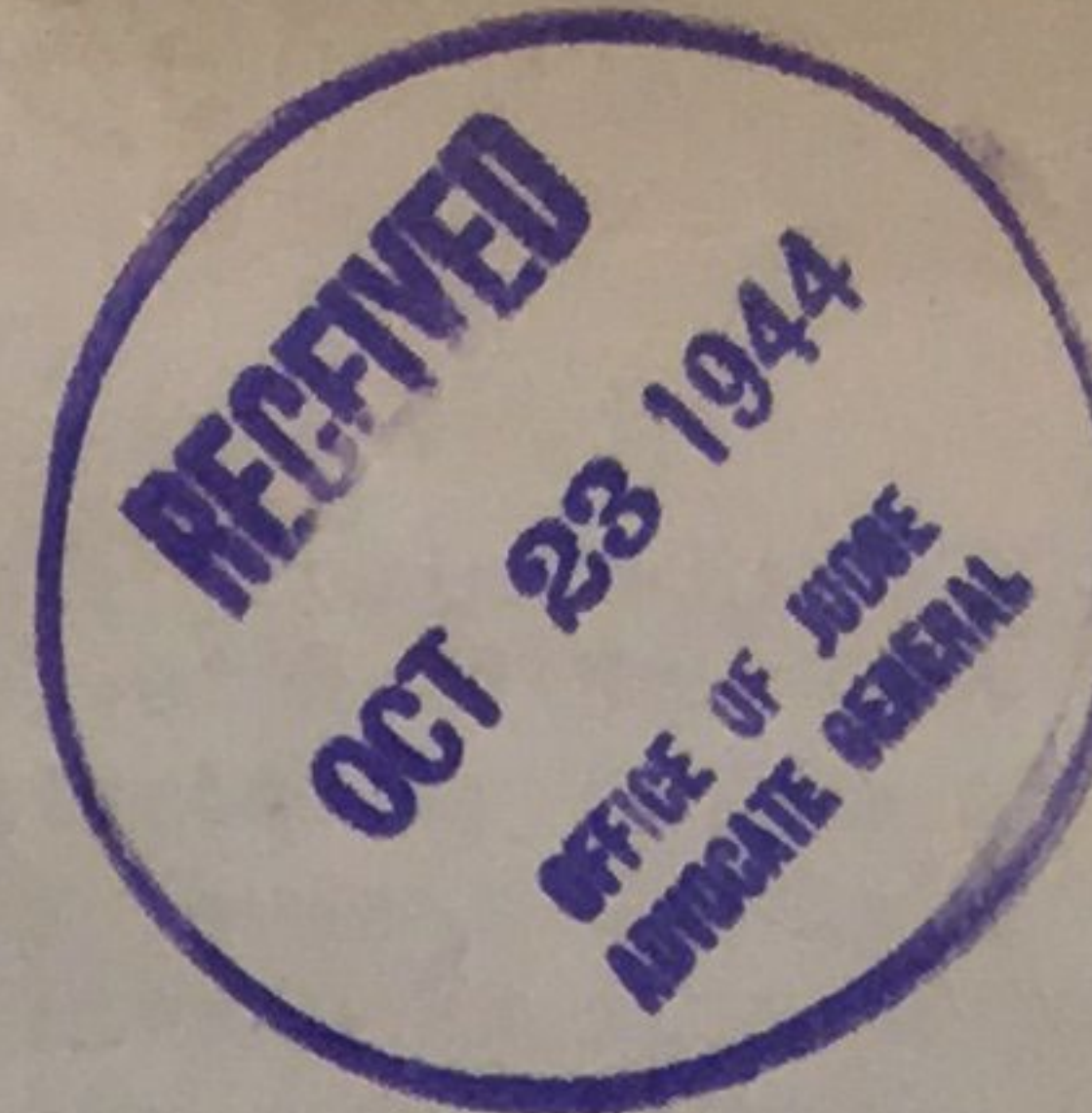
15. Experience shows that familiarity with any work, no matter how dangerous, is apt to lead to carelessness, and all persons who supervise, inspect, care for, prepare or handle such work or anything or matter in connection therewith, must exercise the utmost care that all rules, regulations and instructions pertaining to safety are rigidly observed; must carefully supervise those under them and frequently warn them of the necessity of using the utmost precaution in the performance of their work; and must see to it that no relaxation of vigilance shall ever be permitted. This tragic and costly fire and the circumstances surrounding its occurrence, clearly show the profound wisdom of those provisions of Article 972 (1) of Navy Regulations, which, as above paraphrased, were as applicable to the work being done on the U.S.S. Saturn as to the inspection, care, preparation and handling of ammunition or explosives. There was a relaxation of vigilance at the Navy Yard. The result was this disaster.



D. McD. LeBRETON
Rear Admiral, U.S. Navy
Commandant Fifth Naval District

CC: ComServLant

A17-24/AK49



FIFTH NAVAL DISTRICT

NAVAL OPERATING BASE

OFFICE OF THE COMMANDANT

11 11 119

Norfolk, Virginia.
19 October 1944.

1. On 12 April 1944 the U.S.S. SATURN (AK-49), in commission, put in at the Norfolk Navy Yard, Portsmouth, Virginia, for conversion into a refrigerator ship. The need for the converted ship was urgent, and in order to complete the conversion within the availability period of sixty days set by the Commander, Service Force, Atlantic Fleet, and concurred in by the Yard, it was decided that operations of welding, burning, preparation of cork with bituminous primer, a highly inflammable substance, laying of that cork as insulation, painting, and others should be carried on simultaneously. While it did not escape attention that such simultaneous operations increased the hazard of fire, the degree of that increase and the severity thereof were apparently not recognized. The following special precautionary measures, however, were agreed upon and established with the approval of the Yard Fire Chief, the Hull Superintendent, Ship Superintendent, the Yard Safety Officer and the Commanding Officer of the vessel:

A. Installation in the holds of additional fire extinguishers of 5 gallon water type.

B. Maintenance of ship's hose lines in holds with water pressure up to nozzles.

C. Assignment from ship's crew of roving fire watches with CO₂ fire extinguishers in holds in addition to fire watches to be furnished individual welders and cutters.

D. Inspection of the conditions of places of work three times each watch by fire marshals from the Yard Fire Department.

E. Frequent inspections during night and day shifts by Safety Marshals under the Yard Safety Officer, and immediate reports of any unsafe condition.

F. Detail of additional Yard laborers to clean up and remove trash and rubbish from holds as fast as it accumulated.

G. Stowage outside of holds of all cork and lumber other than that necessary to keep up with the requirements of work immediately at hand.

H. Preparation of the cork insulation with bituminous primer outside the holds.

I. Assignment of additional chief petty officer watches to the Officer of the Deck in order to permit frequent inspections by him of all parts of the ship.

J. Special warnings by the vessel's Commanding Officer to his officers to be on alert to guard against fire.

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FINDING OF FACTS

1. The USS SATURN, then an AK type vessel of nine thousand, eight hundred and fifty (9850) gross tons, (three (3) island type), length overall four hundred and twenty-four (424) feet, and having four (4) holds, arrived at the Norfolk Navy Yard at 1800 on 12 April, 1944, to undergo a major conversion to a refrigerated or AF type vessel. Work on the vessel commenced on the morning of 13 April, 1944. Lieutenant Commander Thomas A. Marshall, Jr., U. S. Naval Reserve, commanding, left the ship on authorized leave on 18 April, 1944, and returned on Friday, 28 April, 1944. During the period of his absence, Lieutenant Henry P. Gill, U. S. Naval Reserve, commanded. During the period from 13 April, 1944 to 27 April, 1944, work proceeded in holds numbers one (1), two (2), and three (3). The ship was moored port side to pier number five (5), at berth number thirty-two (32). At or about 1820 on 27 April, 1944, the weather was overcast and rainy, cool, very slight breeze from north - northeast, psychrometer indicated one hundred per cent (100%) saturation of the air.

2. At 1820 on 27 April, 1944, fire broke out in number three (3) hold of the USS SATURN. This hold comprises a space bounded between frames one hundred and five (105) to one hundred and thirty (130), (frame spacing about two and one-half (2½) feet, hatch dimensions approximately sixteen (16) feet by thirty-five (35) feet, and total volume of space about eighteen thousand, five hundred (18,500) cubic feet. The beam of the vessel at this point is about fifty-five (55) feet. The fire started on the third (3rd) deck level, starboard side, abreast the hatch opening. Fire alarm was received by the Navy Yard Fire Department at 1821. Headquarters and number three (3) engine companies responded. At about 1845 the fire was extinguished. One (1) ambulance responded to the fire alarm with the Navy Yard Fire Department, and at 1845 calls were made for all available ambulances within the yard and the surrounding communities. Medical units, including medical officers, responded from various vessels and the yard dispensary. Rescue, first aid and resuscitation efforts proceeded from 1845 to 2030.

3. Twenty (20) persons who were injured and overcome were evacuated to the yard dispensary and later sent to the Norfolk Naval Hospital, Portsmouth, Virginia. These persons are listed as follows:

✓ Perry Butts, Norfolk Navy Yard check number 72-1691
✓ William Cherry, Norfolk Navy Yard check number 72-3959
✓ Worley H. Corvin, Norfolk Navy Yard check number 26-5020
✓ Willis Cowan, Norfolk Navy Yard check number 72-4335
✓ Melvin Davis, Norfolk Navy Yard check number 72-4048
✓ Forest E. Daugherty, Norfolk Navy Yard check number 26-751
✓ Charles L. Edwards, Norfolk Navy Yard check number 61-2131
✓ William H. Light, Norfolk Navy Yard check number 11-2421
✓ Boyce Nichols, Norfolk Navy Yard check number 26-3028
✓ James L. Robertson, Norfolk Navy Yard check number 72-3428
✓ James R. Sanders, Norfolk Navy Yard check number 72-3510
✓ Will Simmons, Norfolk Navy Yard check number 26-5764

~~Dorsey R. Slaughter, Norfolk Navy Yard check number 26-6446~~
~~George Spence, Norfolk Navy Yard check number 72-1603~~
~~Tommy Staples, Norfolk Navy Yard check number 11-5306~~
~~Louis T. Stone, Norfolk Navy Yard check number 26-2567~~
~~Clifford D. Short, Norfolk Navy Yard check number 26-133~~
~~Paul Tarpley, Norfolk Navy Yard check number 61-211~~
~~Harry M. Williams, Norfolk Navy Yard check number 72-764~~
~~William C. Witherspoon, Norfolk Navy Yard check number 26-2133~~

4. In addition to the above listed civilian personnel, Edgar Burgess Johnson, pharmacist's mate second class, U. S. Naval Reserve, attached to Norfolk Navy Yard, was treated at the yard dispensary for asphyxiation and exhaustion, and was transferred to the Norfolk Naval Hospital, Portsmouth, Virginia. Raymond W. Bohler, seaman first class, U. S. Naval Reserve, attached to the U.S.S. SATURN, was treated on board that vessel for asphyxiation and burns.

5. Efforts to revive the following fifteen (15) men terminated at 2030, having proved unsuccessful, and they were pronounced dead:

~~George R. Austin, Norfolk Navy Yard check number 61-1381~~
~~Willie Carr, Norfolk Navy Yard check number 72-4327~~
~~Eugene T. Harper, Norfolk Navy Yard check number 61-926~~
~~John E. Ives, Norfolk Navy Yard check number 11-267~~
~~William H. Jones, Norfolk Navy Yard check number 61-659~~
~~Robert E. Lee, Norfolk Navy Yard check number 26-5695~~
~~Jeremiah Malone, Norfolk Navy Yard check number 61-3178~~
~~Arthur R. Pumarlo, Norfolk Navy Yard check number 61-3171~~
~~W. Irvin Sink, Norfolk Navy Yard check number 61-2083~~
~~Howard E. Sprinkle, Norfolk Navy Yard check number 26-2609~~
~~Armistead H. Tharpe, Norfolk Navy Yard check number 11-6235~~
~~Thomas G. Whitley, Norfolk Navy Yard check number 61-2529~~
~~Chesman S. Wike, Norfolk Navy Yard check number 61-2524~~
~~Joseph C. Williams, Norfolk Navy Yard check number 72-8620~~
~~James S. Willis, Norfolk Navy Yard check number 11-4185~~

These men were identified at the yard dispensary on 27 April, 1944, and were re-identified on 28 April, 1944 by the court and supervisors of the various trades involved.

6. The vessel was, in general, undamaged. Material damage was confined to cork, wood, mineral wool insulation and electric degaussing cable, with minor damage to fire fighting equipment. Material damage was estimated as being twelve thousand, four hundred and ten dollars (\$12,410). Estimated total cost of all damage, including labor for replacement and indeterminate, amounts to twenty-three thousand, nine hundred dollars (\$23,900).

7. Preceding the fire, and at the time of the fire, the following were the supervisory personnel of the hull work going on in the U.S.S. SATURN: